

MINUTES
BOARD OF FUNERAL, CEMETERY, AND CONSUMER SERVICES
RULES COMMITTEE MEETING
(ANDREW CLARK, CHAIR – SANJENA CLAY – CHRIS JENSEN – DARRIN WILLIAMS)
AUGUST 19, 2025 – 10:00 A.M.–5:00 P.M.

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

Ms. Mary Schwantes – Good morning. My name is Mary Schwantes. I'm the Division Director for the Division of Funeral, Cemetery, and Consumer Services. Today is Tuesday, August 19, 2025, and it's approximately 10:05 a.m. This is a public meeting of the Rules Committee for the Board of Funeral, Cemetery, and Consumer Services. This meeting is being held in person at the Department of Financial Services, Claude Denson Pepper Building, located on West Madison Street in Tallahassee, Florida. Notice of this meeting has been duly published in the Florida Administrative Register. An agenda for this meeting, as well as all meeting materials, has been made available to all interested persons. Information relating to this meeting has also been published on the Division's website. Ms. Ellen Simon is recording the meeting and minutes will be prepared.

The purpose of this meeting is to conduct the business of the Rules Committee. Specifically, the Committee will be revisiting fifty (50) of the eighty-seven (87) rules contained in Chapter 69K Florida Administrative Code, that it previously reviewed in July 2025. The purpose of the rule review is to address questions on each rule as required by SB108 on Administrative Procedures 2025. SB108 changes portions of Chapter 120, Florida Statutes pertaining to rulemaking as a result of which agencies must file certain specialized reports over the next nine (9) months. Public comments will be taken during the review of each rule. Comments should be limited to that particular rule at that time, and ultimately to the rules that are listed on the agenda, which are the rules which the Committee will be revisiting today.

All participants are respectfully reminded that the Committee Chair, Andrew Clark, runs the meeting. Persons desiring to speak should initially ask the Chair for permission and make sure that they are recognized or acknowledged by the Chair each time they speak. During public comment, persons speaking are requested to come to the podium and identify themselves for the record each time they speak. We had some issues at the last meeting with people in the audience being heard when they did not come to the microphone. So, for our recording, please come to the podium when you are speaking, as this will greatly assist our staff in preparing minutes from the meeting. At this time, I'll call roll. Committee Chair?

Mr. Andrew Clark – Present.

Ms. Schwantes – Ms. Clay?

Ms. Sanjena Clay – Present.

Ms. Schwantes – Mr. Jensen?

Mr. Chris Jensen – Present.

Ms. Schwantes – Mr. Williams?

Mr. Darrin Williams – Present

Ms. Schwantes – Mr. Chair, there is a quorum for the business of the Committee. The record will also note as present Rachelle Munson, who is serving here as counsel for the Committee. And Ellen Simon, Assistant Director for the Division. Also sitting in the audience from the Department's Office of the General Counsel: Kimberly Marshall, Attorney Supervisor; Nicole Eldeb, Law Clerk; and from the Rules Team, James Ross, Chief Legal Counsel; and Megan Herring, Senior Attorney. From the Division, Candie Reeves and we may have Crystal Grant later.

I'd also like to recognize the following Board members who are attending in the audience: Jill Peebles and Todd Ferreira.

Mr. Chair, are you ready to go on with the agenda?

Chair Clark – I am ready.

B. Action on the Minutes

(1) July 9, 2025

(2) July 10, 2025

Ms. Schwantes – These are for the Committee’s review and possible consideration of adoption.

Chair Clark – Do we need to do them separately?

Ms. Schwantes – You can do them together. It was one (1) meeting held over two (2) days.

MOTION: Mr. Williams moved to approve the minutes. Mr. Jensen seconded the motion, which passed unanimously.

Ms. Schwantes – Thank you, sir. Those minutes will be presented to the Board at its September meeting for its review and approval, as well.

C. Action on the Report and Recommendations to Board

(1) Report and Recommendations from Meeting on July 9-10, 2025 – Addendum A

Ms. Schwantes – This report sets out the results of the Committee’s review of the eighty-seven (87) rules last month. Of the eighty-seven (87) rules, the Committee determined that no changes were need to thirty-seven (37) of the rules, and that fifty (50) rules, the fifty (50) that we are reviewing again today, should be revisited. With your approval of the report, we would like to present it the Board at its September meeting.

Chair Clark – Do we have a motion?

MOTION: Mr. Jensen moved to approve the report. Mr. Williams seconded the motion, which passed unanimously.

Ms. Schwantes – Thank you, sir.

D. Action on Rules Review Plan

(1) Proposed Plan for Review of Board Rules from July 1, 2025, until July 1, 2030 – Addendum B

Ms. Schwantes – Within a few days of last month’s meeting, agencies received further clarification of the SB108 requirements from JAPC. That is the committee which oversees rulemaking in Florida. The first of the reports to JAPC, under SB108 is due October 1st. While we previously knew that we were going to need to submit a list of the rules we were reviewing this year, in other words the eighty-seven (87), at that time we learned, through clarification, that we would also need to file a plan for the review of all of the Chapter 69K rules prior to fiscal year ending June 30, 2030. So, included in your materials as Addendum B is a proposed five-year plan for this purpose. The rules we are reviewing this year are highlighted in green. This year, the Board will have reviewed all seventy (70) shared rules and seventeen (17) of the Board rules. And when I speak of these different kinds of rules, you know I’m referring back to the Updated Designation of FCCS Rules, which is also attached as an addendum for reference in your materials. For purposes of the 5-year plan we’ve divided the remaining rules among our remaining four (4) years trying to keep all of the rules within a section within the same year, with the exception that we put the Disciplinary Guidelines scheduled by itself for the final year. I know a lot of you were here when we did the Disciplinary Guidelines a few years ago, and that is going to be such a huge lift that we thought it would be better to have it on it’s own and at the end of the five-year review so that we would have a better idea of all of the changes needed to it. That is the proposed five-year plan, and we would like to be able to submit that to the Board at its September meeting for approval. It will need to be part of the October 1st report.

Chair Clark – Committee members? Has everyone had a chance to review the schedule for the next five (5) years? Are there any questions?

MOTION: Chair Clark moved to approve the proposed plan. Ms. Clay seconded the motion, which passed unanimously.

Ms. Schwantes – Thank you. But I did neglect to mention that as we progress through the next five (5) years, every October 1st, a plan has to be filed. We can make changes to the five-year plan as we go. So, if it comes up that a rule needs to be added in a year that wasn't scheduled for that year, we can make those changes, but this gives us a start and we will gladly present that to the Board in September. Thank you for that. May I go on?

Chair Clark – Yes.

E. Overview of Materials Provided

Ms. Schwantes – This actually gets us into the purpose of the meeting today. As we get into the details of today's review, I want to give you a brief overview of the materials provided for this review session.

(1) For Committee Use During Meeting

(a) Rules Review Workbook Prepared for Rules Committee Meeting on August 19, 2025 – Addendum C

Ms. Schwantes – This workbook is similar to the one we used last time, but it only contains the fifty (50) rules we are revisiting.

(b) Written Public Comments Received from Wendy Wiener – Addendum D

Ms. Schwantes – If you recall, we had a deadline for the receipt of written comments. It should be noted that we only received written comments from Wendy Wiener, on behalf of FCCFA and SCI. No other written comments were received. We can discuss these in detail as we go through the rule review.

(c) Proposed Rule Language Received from Department – Addendum E

Ms. Schwantes – These are only samples at this time. The Department is still conducting its own review. Changes suggested by the Department are primarily for grammar changes, consistency in use of Department vs. Division vs. Board Office, etc., and of course corrections to form references and links. Again, we can discuss those in detail as we go through the rule review.

(2) Quick Reference Materials

(a) Updated Designation of FCCS Rules (May 2025) – Addendum F

Ms. Schwantes – This document is included just in case we need to refer back to that.

(b) SB108 – Administrative Procedures 2025 – Addendum G

Ms. Schwantes – This document is also included in case we need to refer to it as well.

Chair Clark – If I can just add, I want to thank Ms. Wiener and her team for submitting their comments. They were very helpful in preparation of the meeting. Thank you.

Ms. Schwantes – Mr. Chair, with your approval, the Committee can now begin its review of the rules on the agenda today. And for this, I suggest that Committee members look at the workbook, which is Addendum C, but also have Addenda D and E handy so that they can refer to those as necessary. And Addenda D and E are the written comments received by Wendy Wiener and then also by the Department.

Chair Clark – We are ready.

Ms. Schwantes – Let's look at Addendum C first. It sets out information on the purpose of this meeting. I knew there were questions about it last time, so there's a key to the highlights which you can refer back to if needed. That is on Page 3. What we hope to do today is, you'll find on Page 8 the review from the last meeting, what was decided by the Committee on the

answers to the SB108 questions. You'll also see whether or not the Committee had any suggested changes, but also whether there were public comments at that time. And then you'll see a block for review notes for what happens today. So, the first thing that we plan was taking public comment and also you will note on this one that there were no written comments received and no proposed rule language from the Department. After we take public comment, if the Committee has an opportunity to discuss things, we would like to be at a point where the Committee can determine whether or not changes are needed to the prior responses to the questions, and I don't want to go through all of the questions again. We just need to decide whether we want to make any changes to those answers. The goal is to go through these rules today with comment and determine how many of the rules need further development. If we reach a point, for example, on this rule if the Committee determines that no changes are needed then this rule will not come up again at another meeting. The Chair and I previously discussed this and we think that after this meeting we will try to do some online meetings with a fewer amount of rules on each of those agendas, but we will really need at that point proposed rule language to cover what we are going through.

Let me give a little more information. As you recall, I said that there were several specialized reports that are due to JAPC this year. The first, we've already talked about. That's October 1st, assuming Board approval of our report and recommendations, when we submit that in September, and Board approval of the five-year plan, then we will have the information we need for the October 1st report.

In going through the rest of these rules today, and as we proceed further, at this point we are now looking at what will be due on January 1st. What is due on January 1st is for each agency, and in this case the Board, to turn a report that says what it intends to do with all of the rules it reviewed this year. And so, we are going to have to be able to tell JAPC by January 1st, of the eighty-seven (87) rules we reviewed, how many do not require changes and how many require changes. By April 1st, those changes have to be submitted, and the rules opened for development. Because of these deadlines and because of other changes in SB108, {inaudible} Chapter 120, but one of the big changes it makes is it tightens the timeline significant for once a rule is opened for development until it can actually be adopted and finalized. This whole process is a huge, huge lift for our counsel and for Rachelle Munson as Board counsel, on any of these rules. Even the rules on which there are no changes made you have to file, and I'm not sure whether this will be in January or April, but we will have to file a report signed off by the agency head for the Board, Jill Peeples, on all of the rules that have no change. It's an individual report on each rule that has no change.

So, even the things that you think you've taken care of still require paperwork. There's cost associated with all of that as well. That is why it is so important to get this done as early as possible. The other part, of course, involves allowing time for Board review. We come to the Committee for these meetings, but it still has to go before a Board meeting. If there's any need to cancel a regularly scheduled Board meeting, due to weather conditions, then that also can add delay. That is why we are trying so early to keep on track and to get this information together for future reports. We're working on information we would need for the January report, but also again to narrow down the actual rules that we need to have language changes on. We're talking substantive changes only. The Department handles the other type of changes, at least on the Shared Rules.

F. Shared Rules – For Revisit (35 TOTAL)
(1) 69K-1.005 - Licensure Application Procedures

Ms. Schwantes – The first question to ask, with the Chair's approval, is whether there is public comment.

Chair Clark – In addition to that, I also want to note for the Committee members, if you go to Page 8, that is where we landed, as a group, in July. Then Page 9 goes into what comments were made at the end of the meeting. And the middle section identifies whether the Division received any written comments. {Inaudible} is kind of the summary of what's happened since we last met. That may be a good tool for us to use. At the end of last meeting, a couple of items came before the Committee that "may require statutory changes". How should we handle that, if it's brought up as a comment or something that was received as a written comment? Do we just make that note?

Ms. Schwantes – I would just make that note and we would consider that for future legislative changes, but you cannot legislate through rulemaking. We can't do massive changes in rules that need to be changed first legislatively in the statutes. In that particular case, I would recommend just noting it and taking it off of future agendas for rulemaking.

Chair Clark – Thank you.

Ms. Schwantes – When we get to some of the rules where we have proposed language from the Department, I'll go into more detail on that. Even if the Board decides not to make substantive changes to a rule, if it is a shared rule, it is still likely that there will be rulemaking efforts made because the Department is going to have to make a lot of corrections to links, to grammar, to the forms, etc. It's just something for which the Board would not be responsible.

Chair Clark – Are there any public comments for this rule? Hearing none. For the Committee, any discussion? Hearing none. We need to answer these other questions, correct?

Ms. Schwantes – Please. It's noted that there were no written comments received and there is not a sample proposal from the Department on this shared rule. At this point, I would like to know if the Committee needs to update it's prior responses, which are found on Page 8. On Page 8, if you notice, you all voted for no change. The reason it was included again today, there were rules that were revisited if they had comment from the Committee members or public comments received, even if no Committee member had a change suggested. So, if the Committee has changes to its prior findings, we need to discuss those and then take a vote so that we know what we did today.

Mr. Jensen – Mr. Chair?

Chair Clark – Yes?

Mr. Jensen – This comment by Lisa Coney, I notice we haven't touched on that. Is that something we need to address or not?

Chair Clark – That's exactly what this is for.

Mr. Jensen – Are we voting to accept that or are we voting to not change anything?

Chair Clark – That's what we are voting for. As a Committee, we need to determine do we want to make that change. Or, said differently, on Page 8 we voted that no changes were needed. Now that we have this public comment, do we want to go back and there are needed changes, and then at a subsequent meeting we can finalize what the actual changes would be.

Ms. Schwantes – Mr. Chair?

Chair Clark – Yes?

Ms. Schwantes – Or do you want to revisit it later is when would we be asking for actual language. I think one of the concerns that we have on this or additional research, because I think one the questions we had, not on this, was whether or not this was a statutory change that would be needed as opposed to changes to the rule itself.

Ms. Clay – Mr. Chair, just for clarification. If we move to not make any changes to this, does that negate our ability to come and make changes later?

Ms. Schwantes – Whatever recommendations made by this Committee still have to go before the Board for review and approval. I would suggest, however, two (2) things. One is, and I don't have a list, so I don't know if this is one (1) of the rules that the Department is making changes to, but for those in the audience in particular or Board members who are interested in changes, the Department will be opening this for rulemaking, and it can be looked at, at that time. Although substantive changes again, need to go before the Board. The other thing is that because of the lift on this, because it is new to everybody, and because we are taking so many rules this year for review, I strongly suggest that unless it's a critical change that once we go through this process, if the Committee today were to say no changes are needed for this rule, let's put this one off to the side, that it not get revisited for substantive purposes until a future year. Remember that five-year plan can be reviewed again next year. Let's assume the Board approves the five-year plan as presented. Before the five-year plan has to be presented again next year on October 1st, if this rule needs to come up, then it could be added. Does that make sense?

Ms. Clay – It does.

Ms. Rachelle Munson – I just wanted to note that SB108 provided a very strict guideline as to how we need to move through this rulemaking effort. However, there is no restriction as to what other rulemaking you may choose to do in the future for whatever reason. So, in answer to Member Clay's question, yes you can revisit it later because these rules are your rules, and you get to look at them at any time you want to and make any changes. The information for this meeting and for SB108 is based on your best judgment, based on everything you're looking at as specifically as you can, but as Director Schwantes indicated, it does not negate you looking at it in the future for any other reason.

Ms. Schwantes – The other thing that I did not mention, even if things are postponed or something needs to be changed, but we decide to get through this process and get that April 1st report, come summertime it would not be quite as difficult perhaps for the attorneys to deal with a new rule coming before them for development.

Mr. Jensen – The \$5 I don't see as critical, and I notice that the Department did not make any recommendation on this, but I do wonder, maybe from the Department's attorneys, what their feelings are on this. Is this something we should do or not do?

Ms. Schwantes – That's a substantive change, is it not, Mr. Ross? The \$5 unlicensed fee?

Mr. Ross – Yes, I think that would be. It does sound like a substantive change. It may even be something statutorily. It's definitely worth looking into, but potentially not at this time. Again, as Ms. Munson very eloquently pointed out, you can always in the future. You can make changes that you think are appropriate. {Inaudible}.

Ms. Clay – Mr. Chair? That's kind of where I was going with that. If this does have statutory changes that are necessary, that is something we will find out at a later time, and I'm not sure that that has a current impact on what we need to do. Are you entertaining a motion?

Chair Clark – Yes. There are two (2) questions that we have to ask, as a Committee. Do we to change our responses from our July meeting? Do we vote in favor of no changes? There were no written comments from the public on this. The Division has just stated that they do not feel it needs to be changed at this time.

MOTION: Ms. Clay moved that there be no changes with regard to this rule. Mr. Jensen seconded the motion, which passed unanimously.

Mr. Juhan Mixon – Lisa Coney, you said she made a response. Are you going to take up a response from someone who wrote a response and say we disagree with that? Because a bunch of us don't have Ms. Coney's response, but we'd like to know what it was.

Mr. Schwantes – And that's a great question. Mr. Mixon, Lisa Coney made public comments at the last meeting and those are in a table at the top of Page 9. Anything that's highlighted in pink that says public comments, the summary of changes proposed are from the prior meeting. The written comments are not incorporated into the workbook themselves. They are referenced in the addenda, and they are referenced in the workbook, for example, "Addendum B, Page 3." This one had no written comments and had no proposal from the Department, but when we get to a rule that does have written comments, then I certainly will be directing the Committee to review those as well. Does that help?

Chair Clark – Perfect.

Ms. Schwantes – Moving to the next one?

Chair Clark – Yes.

(2) 69K-5.0021 - Application for Preneed License Branch Office License

Ms. Schwantes – The Rules Committee's prior review is found on Page 10. Public comments from that meeting as well as the Rules Committee's comments from that meeting are found on Page 11. And Page 11 contains the table for our use today in reviewing this rule. Also, you'll note here, written comments were received on this rule from Ms. Wiener, and I would draw your attention to Addendum D, Page 1. And Ms. Wiener made comments here that she says, no changes to this rule are

required, but in response to a comment made by Member Jensen, that would've been a comment at the prior meeting, which is actually noted on Page 11, note that a "branch" license is required for operation in a name other than the name of the preneed main licensee, and is not related to the location at which preneed sales are made. She references the section applicable and says the votes open the rule for consideration, changes must be reconsidered, and the vote should be that changes to the rule are not necessary. And of course, Ms. Wiener is here if there are questions.

Chair Clark – Are there any public comments on 69K-5.0021? Hearing none. Mr. Jensen, maybe I'll ask you, I know this was one that you brought up.

Mr. Jensen – I guess what I was looking at here, if you have a branch and it's the same name, say, as a funeral home, there's no fee. But if you have a branch with any other substantive or any other extra name included in there, then there is a fee. So that's what I was trying to sort out.

Chair Clark – Yes, sir. Ms. Wiener?

Ms. Wendy Wiener – Mr. Jensen, that is actually correct because a branch is actually defined as a name. The weirdness is that in our law we use the term branch, which we would think of as a location, but it is actually statutorily defined as a name other than the name of the preneed name licensee that is utilized for the sale of preneed. So, my point was this rule cannot be changed without changes to the actual underlying law that gives that it's a word.

Mr. Jensen – So, it would be statutory in nature.

Ms. Wiener – Correct.

Mr. Jensen – That's kind of what I figured.

Chair Clark – Mr. Jensen, any questions for Ms. Wiener?

Mr. Jensen – No, no questions. I think that was put correctly. I was just wondering why that was. So, I guess I'll make a motion and let's move on.

MOTION: Mr. Jensen moved that there be no changes from the previous ruling. Ms. Clay seconded the motion.

Chair Clark – Thank you, Ms. Wiener. We have a motion.

Mr. Schwantes – I'm sorry. The prior Committee found the change was needed. So, in this case, you would need to update that by saying no changes needed on this and take a vote.

Chair Clark – Okay. Thank you for that. Mr. Jensen, can we modify your motion?

Mr. Jensen – Yes.

Chair Clark – That we do want to change our prior responses and that no changes were made.

Mr. Jensen – Yes. Thank you.

Chair Clark – And Ms. Clay, will you second that?

Ms. Clay – Yes. I second.

Chair Clark – We have a motion and it's been seconded. All those in favor say aye.

Committee members [Unison] – Aye.

Chair Clark – Aye. Any opposed? And that motion carries.

(3) 69K-5.0022 - Applications for Transfer of a Preneed License

Ms. Schwantes – The Rules Committee's prior review is found on Page 13. There were no comments from the Committee members at that time. There was a comment from Lisa Coney that perhaps we should change the email references or include the options. And there were written comments received from Ms. Wiener, on Addendum D, Page 1, and no submission by the Department on this rule. So going back to public comment.

Chair Clark – Are there any public comments on 69K-5.0022? I have a question. We said in the meeting, just generally, we had talked about there were procedural changes that may be made. I think that's what you were referring to, that it may be opened up on the Department's side but really is not substantive changes. And there were several examples of, you know, defining receipt, like email versus mail. So, I know that specifically is on this item, but is the Department looking at changing all of them?

Ms. Schwantes – Yes. Let's go ahead and look at one of the proposed rules from the Department. It is not on this rule, but you'll see the amount of changes that the Department is looking at. Whether something comes in by mail or by email is a process-oriented responsibility of the Department. And we are also looking at statutes to make sure that we can do something, changing it in the rule. But if you take a look at the first one, Addendum E, which are the proposals from the Department. If you look at the very first page, which is Rule 69K-12.002, you're going to see a lot of proposed changes. This is clarifying the rule, putting things in grammatical order, making some of, my opinion, the weird references to gateway and such like that that are required now when you're referencing a form, a link to a form, and fixing the links to websites, et cetera. And also again, I don't know if it's in this one or not but making sure that it says Department rather than Division or Board office. So, some grammatical changes, technical changes, form references, link changes, et cetera. Nothing substantive. Or at least that's the goal. So, you get an idea of the degree of change. And this is one, and I believe I did not read Ms. Wiener's comment into the record, I suppose I should on this, but as to Rule 69K-5.0022, the written public comments that we received state the form incorporated by reference into this rule needs to be revised to contemplate all the items the Division requires. Currently, the form does not require submission of certain documents, but when such documents are not submitted, the Division treats the failure to submit the same as the deficiency. And so, I would just say that the Department counsel will note that, and in the review of the forms, take those comments into consideration.

Chair Clark – Okay.

Ms. Munson – I just wanted to add just that for shared rules specifically, and the Department does have quite a few rules where they're making some extensive changes to, but for the shared rules specifically, when those rules are open for rule development or recommended to rulemaking by the Department, the Joint Administrative Procedures Committee (JAPC) is not going to just look at those changes. They're going to look at the rule as a whole rule. So just as item for you to be aware to alert you that when this rule is open for the development, for example, do not be surprised if JAPC, in its review, has a lot of questions that ends up to the Department because they submitted the rule, but they are substantive in nature and that rule is going to kick back to the Board for its review and additional rule development. So, when we make this decision, we don't think there are any substantive changes, the Department goes in with theirs, they put it on JAPC's radar. JAPC can easily kick it back and the Department will have to send you that JAPC letter or referencing that JAPC letter so that Director Schwantes can bring it to the Board for substantive questions that have been brought to our attention based on the review of this or any other rule that's opened up, because we're kind of speaking in definitive lines as the Department is doing this, the Board is going to do that. When these are opened up, those lines merge. They blur. And I just wanted to make that clear because if you're not familiar with rulemaking, you might not be aware of that.

Ms. Schwantes – Just to add to that, and I know that it was discussed at the last meeting, these shared rules are sort of blurred anyway, at a minimum, and we're all struggling with this to some extent. And so, the other thing is that just to say the Department is processing this, it just means that the Department is taking responsibility of getting it through the rule review. There will not be any single rule that is filed separately by both the Department and the Board. There will be coordination efforts on those. So, either the Department is going to file it and process through it, or the Board will follow it through when it's a shared rule.

Chair Clark – Okay.

Ms. Schwantes – So where did we leave off? Oh, I believe that at this point there were no public comments.

Chair Clark – No public comments. You read Ms. Wiener's written response into the record. And it sounds like that will be taken into consideration by the Department.

Ms. Schwantes – By the Department and use its forms. Yes.

Chair Clark – So, we voted for no change. Would it be appropriate for us to say yes, there are changes because we want to make sure the Department does?

Ms. Schwantes – No. Because you're only looking at what the Board does. So, in this case, you would say there's no change to the prior findings and vote about that, and then it will not come up before you all again, unless there's questions down the road.

Chair Clark – So it's no for us?

Ms. Schwantes – Yes. The Department still has its own work to do.

Chair Clark – Good. Yes, Ms. Clay?

Ms. Clay – Just for clarification, so with Ms. Coney's recommendation with the email versus mail references, how does that interconnect to this conversation?

Ms. Schwantes – May I?

Chair Clark – Yes.

Ms. Schwantes – Ms. Clay, thank you for that. Again, it's a process-oriented type thing. The responsibility is on the Department, but we have got to take a close look at all of that because we need to take a look first at the statutes to see whether or not that permits it, but then to our systems to see as a practical matter whether we can handle it yet. And as an example, I know we, and a lot of licensees would like for a lot more things to be online so that you can self-help, so that you can go online. We do not have the infrastructure for that at this time. So, some of the stuff is stuff that we can implement now, and some of it is a wish-list item. I just have to be very blunt about that.

Chair Clark – Does that answer your question?

Ms. Clay – Yes. [Inaudible]

Chair Clark – Well, I mean, maybe said differently, if you think about the public comment as well as the written response by Ms. Wiener, the Department is saying they're going to take that under consideration for their changes. But, in my opinion, it doesn't appear to be any changes that we would need to make. Is that a fair summary?

Ms. Schwantes – Yes.

Ms. Clay – And so at this point, you are entertaining a motion for no further action?

Chair Clark – No changes. Correct. We voted for no changes, and I think the motion would be that we got it right in July.

Mr. Williams – Question?

Chair Clark – Yes, Mr. Williams?

Mr. Williams – So, Ms. Wiener is just highlighting what is taking place. I just want to make sure I'm following everyone else.

Chair Clark – Sure.

Ms. Wiener – Thank you, Member Williams. Yes. I'm simply noting on this particular application, so to Mr. Clark's and Ms. Schwantes' point, substantively, this rule won't need to be changed because it makes reference to an application. So that reference should stay, but the application itself doesn't require certain things that are routinely required. But when you submit them, you have technically submitted a completed application, but the Division says, oh, you didn't send us this or this, which are not required in the application. So, the application just needs to be updated. Many of the forms really, I mean there are a lot of them are just very outdated and they need to be updated.

Mr. Williams – Understood. Thank you so much.

Chair Clark – Thank you, Ms. Wiener.

MOTION: Mr. Jensen moved that there be no changes from the previous ruling. Mr. Williams seconded the motion, which passed unanimously.

(4) 69K-5.0025 - Inactive Preneed Licenses

Ms. Schwantes – The Rules Committee's prior review findings are on Page 14, and there were no comments from the Rules Committee at that time, but there were public comments made. Those are found on Page 15 and Page 15 begins the chart for our review. Written comments were received on this rule from Ms. Wiener and they are found on Addendum D, Page 1. She said the following sentence contained in paragraph five, sub 5 of the rule should be stricken as it is not supported by statutory authority and does not implement the law cited. And paragraph sub five talks about as provided in Section 497.465(7), in order for the Board to exercise its jurisdiction as provided therein, an inactive preneed licensee shall at the same time, as is required for renewing preneed licensees, submit a preneed license renewal form and financial statement. So, she's suggesting that that subparagraph be stricken and cites 497.465(7), which I'm not going to read to you, but it's cited in this. The rule goes well beyond the law's requirements by demanding renewal of the inactive license and financial statements. In addition, it is not and has not been the Division's practice to require such items from an inactive preneed licensing.

Mr. Jensen – Are we allowed to strike that in the Rules Committee? Or is that a statutory thing?

Chair Clark – I guess technically we're just voting to yes; we do want to open it up.

Mr. Jensen – Yes.

Ms. Wiener – The {inaudible} of the rule that needs to be stricken. I did, during the recent FCCFA conference speak with LaShonda Morris who processes those applications and those requirements which are set forth and rule are not ever enforced [inaudible]. It's insane to renew a license that you have not permitted. So just that sentence needs to be stricken. It doesn't change the statute at all.

Mr. Jensen – Yes. Mr. Chair, I would tend to agree with that. So, let's open it back up.

MOTION: Mr. Jensen moved to open this rule. Chair Clark seconded the motion.

Chair Clark – So we're changing our votes from July. We do believe this needs to be opened up. We have a motion and it's been seconded. Any discussion on that motion? Hearing none. All those in favor say aye.

Committee members [Unison] – Aye.

Chair Clark – And any opposed? And that motion carries.

Ms. Schwantes – May I suggest that at the next meeting we'll try to include this rule and Ms. Wiener, I know you proposed striking that rule, but if we get the proposed language set out at that meeting, then we have a better posture for going forward.

Ms. Wiener – Absolutely. Before we move on in the workbook, can I ask a question of the Committee Chair?

Chair Clark – Yes.

Ms. Wiener – So there were some comments that I submitted about opening rules that are not included in this. Will those be taken up at some point in time? Like, the next one that I addressed is 5.012 and that one is not included in the list of rules that we're looking at today.

Ms. Schwantes – Thank you for raising that. If you notice on the very front of Addendum D where it's marked Addendum D, I have set out the four (4) rules that Ms. Wiener brought up that are found among the thirty-seven (37) that the Committee already said there should be no changes to. So that's already set out that way in the report to present before the Board and in the five-year plan and that we reviewed it and no changes should be made to it. They were not on the agenda for today. They were not sent out on notice. We cannot discuss those today. It is up to the Rules Committee to do if it wants to bring those back up. However, as before, I would suggest that there are plenty of opportunities coming up, particularly on shared rules, for additional rulemaking review and it can be brought out. But to get through this part of the process and get to April 1st is what we've already done.

Ms. Wiener – Okay. Thank you.

Chair Clark – Yes, I'm fine with that. And again, I thank Ms. Wiener for the work that she's done. It's very helpful being on this side of the table with how organized the comments are. And I would be in favor at that next meeting to revisit this.

Ms. Wiener – Thank you.

Chair Clark – Thank you.

Ms. Schwantes – Excuse me. Now, I'm confused. At the next meeting, do we need to revisit this or after we get through April 1st? Either the next year or sometime in the summer?

Chair Clark – Correct. Sorry.

Ms. Schwantes – Okay. Because I was going to have to change the prior reports.

Chair Clark – No, we're good.

(5) 69K-5.0026 - Preneed License Renewal

Ms. Schwantes – The Rules Committee's review from the last meeting is found on Page 17. There was no Committee member changes noted to this, no Committee member comments. But again, Lisa Coney on this one, in July, this is found on Page 18, raised the question about changing mail references to email references or include those options. And I think we addressed that issue in a prior rule.

Chair Clark – I agree.

Ms. Schwantes – There were no written comments received and no proposed language on this from the Department at this time.

Chair Clark – Are there any public comments for 69K-5.0026? Hearing none. Any discussion for the Committee?

Ms. Schwantes – And the Committee voted no change.

Chair Clark – Yes, we voted no change.

Ms. Clay – Do we need a motion again for the same thing?

Chair Clark – We do.

MOTION: Ms. Clay moved that there be no changes from the previous ruling. Mr. Williams seconded the motion, which passed unanimously.

(6) 69K-5.011 - Preneed Sales Agent Renewal

Ms. Schwantes – The Rules Committee's prior review is found on Page 19. There were no comments from the Committee members. But again, Lisa Coney raised at that time perhaps changing the mail references to email references. Same issue.

Chair Clark – Same issue and we recommended no changes.

MOTION: Ms. Clay moved that there be no changes from the previous ruling. Mr. Jensen seconded the motion, which passed unanimously.

(7) 69K-5.012 - Application and Renewal Procedures for Broker of Burial Rights License

Ms. Schwantes – The Committee's review from July is found on Page 21. There were no Committee member comments at that time. There was public comment at that time from Lisa Coney that the licenses after lowest fees of all licensees and should be raised the fees of other licenses, and we already have the statutory authority. And those are the comments that she made. Written comments were received by Ms. Wiener. They're found on Addendum D, Page 2. No comments received from the Department. Ms. Wiener's comments said that the rule should be open to consider subsequent changes. Brokers often act beyond the scope of the licensure contemplated in s. 497.281. A broker is by law permitted to be nothing more than a third-party to a transfer and compiling inventory of interment rights, and even complete premium contract of merchandise and services that they offer for sale. That activity goes well beyond the scope of brokering and fair rights and committed by the relevant law by holding and advertising interment rights. In contract, the brokers act on cemeteries without appropriate licensure. The rules should be amended to clearly implement the limitations of the law by defining the scope of a broker's lawful actions as a third-party. And then she also references s. 497.281(1)(a) that allows for license fee up to \$250 and (5), which allowed the same for renewal, and is suggesting that the fee be imposed as the same fee for single preneed sales agent unless the license fees for other individual license and all entities. And Ms. Wiener is here to answer questions or for additional public comment.

Chair Clark – Yes. Let's open for public comments.

Ms. Wiener – To answer questions on this report and comment.

Chair Clark – Thank you.

Mr. Jensen – Mr. Chair. Are we voting to accept that or what?

Chair Clark – So, we voted originally that there were no changes were needed.

Mr. Jensen – Right.

Chair Clark – We had public comments at the end of last meeting and now written comments that say we should consider opening it up. So that's the motion before us.

Mr. Jensen – Yes, I think it is an issue.

MOTION: Mr. Jensen moved to open this rule. Chair Clark seconded the motion, which passed unanimously.

Ms. Schwantes – And given that you'll see that rule on an upcoming agenda Committee meeting, perhaps by then we'll have suggested proposed language for it.

(8) 69K-5.0125 - Minium Records to be Maintained by Burial Rights Broker; Inspection of Records

Ms. Schwantes – The Committee's prior review is found on Page 24. There were no Committee member comments to it. However, there were public comments made by Lisa Coney who referenced that a definition of burial brokers in statute may need to be added here. And so that you all know, I listened to all public comments two (2) or three (3) times from those meetings and listened to all the tapes. And I'm not sure there whether she meant statutory changes need to be made or need to bring in the definition from the statute. I'm not positive about that.

Chair Clark – What I remember, and I have my notes, I think she was referring to the rule we just voted on to define, the type of license. So, I actually think her public comment, while we were discussing the statute, the comment was about what we just said we wanted to open up and possibly redefine. So, I feel like we've already addressed that concern. Yes. But I'll let you continue. There were written comments.

Ms. Schwantes – There were written comments received from Ms. Wiener that are found on Addendum D, Page 2. And since Ms. Wiener is here, would you like to summarize what you submitted and then I know Chair will want to open up for public comment anyway.

Ms. Wiener – Are we on 5.0125?

Ms. Schwantes – We are.

Ms. Munson – We are.

Ms. Wiener – Sure. So, our comment was simply a broad comment to say that the substantive changes should be entertained to implement the laws related to the retention and storage of burial rights related records. What happens, and the reason that we think that the rule needs to be more explicit is that often, burial rights brokers, because they do not have to have a facility, their records are never examined because the capacity to track down the burial rights brokers and examine the records that they keep in the trunk of their car or whatever is very difficult. And burial rights brokers are a real problem for cemeteries and other licensees because of the way that they act outside of the scope of the law, but with the incapacity to examine their records and to require that they store their records in a particular way, it results in just a snowball effect on the problems that exist. And so, we would suggest that you vote to open this rule to consider substitute changes.

Chair Clark – Thank you, Ms. Wiener.

Ms. Clay – Mr. Chair, so there's no real designated level of accountability for the brokers?

Ms. Wiener – No.

Ms. Clay – I vote we open this up.

Chair Clark – Well, and the rule before this is I think is also going to be very helpful and really, but I agree. I do want to see if there's any other public comments before we vote. Hearing none. So, is that a motion Ms. Clay?

MOTION: Ms. Clay moved to open this rule. Mr. Jensen seconded the motion, which passed unanimously.

Ms. Clay – Mr. Chair? Because I'm not in the business, is this the only, and this has nothing to do with this particular rule, but is this the only group of individuals who don't have a level of accountability factored in?

Ms. Wiener – Correct.

Ms. Clay – Okay. Thank you.

Ms. Schwantes – And just so that we are clear, when we bring this rule back, we will have proposed language for it, but also by then we'll have had, there was no opportunity for this one, so hopefully by then there'll be opportunity for us to do a full statutory review as well.

Ms. Munson – Absolutely.

Mr. Todd Ferreira – I'd like to make a comment about what Ms. Clay asked Ms. Wiener, a minute ago. The other group that I believe that is not held to the standard is the removal services.

Chair Clark – Thank you, Mr. Ferreira.

(9) 69K-7.0125 - Alternative Form of Security for Permanent Outer Burial Receptacle Manufacturers

Ms. Schwantes – The Rules Committee's prior review is found on Page 27. There were no comments from Committee members at that time. Lisa Coney suggested in public comment that this is not used possibly to repeal the entire rule. There were no written comments received on this, and there is no proposed language from the Department. Is there a comment?

Chair Clark – Any public comments on this rule? Hearing none. So again, our Committee said no changes. We have a public comment. I heard it more as a question, do we even need this rule?

Mr. Jensen – I mean it's sort of covered already, isn't it?

Chair Clark – I guess it's a question of do we need the rule or not? Again, we voted for no changes.

Ms. Clay – So, Mr. Chair, here is my question. We vote for no change means we do nothing. If we feel the rule is not necessary, how do we raise that?

Ms. Munson – Repeal it.

Ms. Clay – Repeal. But then do we need to look into the repealing of the rule to see if we really do or don't need to?

Chair Clark – Well, we voted no changes, so today we would just vote yes, we need to open it back up, and then we can determine that. Ms. Wiener?

Ms. Wiener – Mr. Chair, the reason we didn't comment on this one was because it sits out there, but it really is just a dud. There are no manufacturers that utilize this program in the state of Florida. And so, it's just sitting there taking up space. While the rules are opened, Lisa's thought was to eliminate it entirely, but we don't have a squabble with it. It's just that it's never used. So, you could certainly vote to open and repeal it, or you could just leave it taking up space on paper.

Ms. Munson – May I ask? It's such a lengthy rule. Why is it there?

Ms. Wiener – Back in the day, the proverbial day, there were some programs where people would avoid putting money into trust by using these manufacturer delivery options, and they establish this like really complicated rule for manufacturers to be able to take advantage of this and other licensees to then piggyback onto that. But to my knowledge, it has never been used. Our original Board Chair, Mr. Knopke, are you aware if this rule has ever been used?

Mr. Keenan Knopke – It's never been used.

Mr. Jensen – May I ask a question?

Chair Clark – Yes.

Mr. Jensen – So, Ms. Wiener, my understanding is that this rule, and I understand it's not being used, but it's also trumped by other rules that makes this obsolete. Correct?

Ms. Wiener – Not technically, because the way that the rule is drafted, it ties back to the permission given in 497.283(2)(c). But so, the option is there to do this, which is, that's part of the cemetery law, but no one uses it, no manufacturers use it, no cemeteries use it. It is literally just taking up space in the rule book.

Mr. Jensen – So, it's obsolete.

Ms. Munson – It's not obsolete.

Mr. Jensen – It's not obsolete?

Ms. Munson – It's just not used. So that's the only comment I wanted to make because if the Committee is considering whether or not to make change, possibly repeal it, because again, I'm not the practitioner, I wasn't sure why it was never used, because it's a very lengthy, complicated rule. I thought it had meaning and purpose, but the fact that it exists, and can it be used? I mean, I don't want to recommend a removal if it has purpose. That's the part that I'm not clear about. That's something that just –

Ms. Wiener – And as I said, that's why we didn't include it in our public comments because it's not hurting anybody. And I guess in theory, some manufacturer could in the future take advantage of this rule and comply with it and go forward. But it's just literally sitting there.

Ms. Clay – Mr. Chair, that being the case, I'll make a motion.

MOTION: Ms. Clay moved that there be no changes from the previous ruling.

Ms. Munson – I think the purpose of this is to see if you want to clean up the rules. So, if there is an answer to this by statute that does not require this lengthy, complicated, convoluted written rule, quite honestly, then I can understand the removal. But I just wanted the purpose of what we're doing to do that. Like, I don't know.

Ms. Schwantes – Mr. Chair?

Chair Clark – Yes?

Ms. Schwantes – Again, at this time, we've not had opportunity to do full statutory review on all the rules. If the Committee is interested in revisiting this rule, again, I would suggest that we leave it for a potential revisit at a future time. You probably would want to change your prior comments to repeal and then we will come back to it. It's not an automatic repeal.

Chair Clark – Right.

Ms. Munson – If we change it to repeal, we're going to have to follow up with the basis for the repeal. And I don't know if that's maybe not the intent. It could be just not to make any changes and put it on for another time, but I just don't know.

Ms. Schwantes – That's fine.

Ms. Munson – The purpose of this is to clean up rules that kind of don't make sense or unnecessary. And I wasn't sure if this qualified. That was the only reason for my question.

Ms. Schwantes – And Ms. Munson raises an excellent point in that too. There is even more work needed when you repeal something, you have to give explanations, and since the rule is very lengthy, there will be questions. We can expect a lot of questions if we do that. So, if we have no changes to your prior comments then it moves on, and we don't come back to revisit.

Chair Clark – Correct. Ms. Wiener, any other comments?

Ms. Wiener – No, sir.

Chair Clark – Okay. We do have a motion for no changes.

Mr. Williams – Second.

Chair Clark – We have a motion for no changes. It's been seconded. All those in favor say aye.

Committee members [Unison] – Aye.

Chair Clark – Any opposed?

Mr. Jensen – Opposed.

Chair Clark – We have one opposed. And that motion carries.

(10) 69K-9.001 – Advertising

Ms. Schwantes – The Committee's review is also found on Page 28. There were no Committee comments at the last meetings. There were public comments from Ms. Coney and Todd Ferreira. Ms. Coney wanted clarification as to how long these records need to be retained and Mr. Ferreira asked for clarification on how the website info should be retained in using outside web master type contracts. So, there were some substantive type questions that were asked. Written comments were received. You'll find those on Addendum D, Page 2. Since Ms. Wiener is here and we're about to open a public comment, instead of me reading it into the record, if you don't mind summarizing again.

Ms. Wiener – Absolutely. This rule as currently written requires that advertising be maintained in perpetuity. But your advertising from twenty-five (25) years ago is just not relevant to what you're doing today. So, there are other examples in other Department of Financial Services' divisions of rules relating to advertise and the retention (inaudible). We'd be happy to propose language for the Committee to consider at its future meeting if you would vote to open this rule.

Chair Clark – Thank you, Ms. Wiener. Are there any other public comments? Hearing none. So, we voted for no change.

MOTION: Chair Clark moved to open this rule. Ms. Clay seconded the motion, which passed unanimously.

Mr. Jensen – Mr. Chair?

Chair Clark – Yes.

Mr. Jensen – Quick question. I know at the beginning of the last meeting it was stated one of our objectives is to clean this up. So maybe state that again just so we're all on the same page because we do need some cleaning.

Chair Clark – I agree. You said it well.

Chair Clark – All right. Thank you, Mr. Chair.

(11) 69K-10.001 - Preneed Funeral Contract Consumer Protection Trust Fund

Ms. Schwantes – The Committee's review is found on Page 30. There were no Committee member comments at the time. There was public comment received from Todd Ferreira and Ms. Coney. Ms. Coney suggested perhaps disbursement for Division operational needs to be changed or modified here rather than in statute. I will address that because we cannot legislate by rulemaking, so we would not be able to move things out of the CPTF Trust Fund for our operational needs without statutory approval. And Mr. Ferreira made a comment that increased funding for the Division should come in from the licensees who don't pay into the Consumers Protection Trust Fund. Again, these are legislative in nature. Open for public comments.

Chair Clark – Yes. Any public comments?

Ms. Schwantes – There were no written comments received and no proposed rule language from the Department. If the Department has proposed rule language on this, at some point in the current future, it will again be technical, grammatical, not subsequent in nature.

Chair Clark – And again, we voted for no changes.

MOTION: Mr. Jensen moved that there be no changes from the previous ruling. Mr. Williams seconded the motion, which passed unanimously.

(12) 69K-10.002 - Disbursement from the Preened Funeral Contract Consumer Protection Trust Fund

Ms. Schwantes – The Rules Committee voted for no change. There were no Committee member comments to this. There was public comment made and Ms. Coney again suggested perhaps disbursements for Division operational needs could be changed or modified here rather than in the statute. Again, our position is that that would be a legislative change that would be required. No written comments and no proposed rule language to the Department.

Chair Clark – Any public comments for 69K-10.002? Hearing none.

MOTION: Mr. Williams moved that there be no changes from the previous ruling. Ms. Clay seconded the motion, which passed unanimously.

(13) 69K-12.002 - Procedure for Licensing a Monument Establishment

Ms. Schwantes – The Rules Committee review begins on Page 35. The Rules Committee voted for no change. The Rules Committee members had no comments at the time. Ms. Coney during public comments at the time suggested that perhaps change the email references or mail reference to email references will include options and that it needed additional \$5 unlicensed activity fee. The \$5 unlicensed activity fee is a statutory issue likely. And as far as changing the mail references to email reference, we've already covered that. That is the Department's responsibility. There were no written comments received. However, there is proposed rule language, and you can see what one looks like in Addendum E, Page 1. And this again is a sample of what the proposed changes would look like from the Department. It would be 69K-12.002 found in Addendum E, Page 1. I'm not reading this in the record because there's a lot of changes on this, a lot of red lining, but you get the idea of what we're looking at.

Chair Clark – Any public comments? Hearing none.

MOTION: Mr. Jensen moved that there be no changes from the previous ruling. Mr. Williams seconded the motion.

Chair Clark – I have a question? The Division's recommendation, are these sensitive or simply administrative?

Ms. Schwantes – These are meant to be administrative. There should not be anything substantive in here. There is re-wording clearly on it to clarify and put into the format that JAPC is now requesting.

Chair Clark – Yes, okay. Just wanted to make sure.

Ms. Schwantes – And just so that you all know, Ms. Herring is doing the bulk of the initial drafting on that. She is dedicated to our Division on these rules, and so she's becoming very familiar with both our statutes and the rules. We appreciate that.

Ms. Munson – May I just make a quick note as an example for the Division?

Chair Clark – Yes.

Ms. Munson – For example, and I know this is not updated, but the withdrawal of an application, like I think it's at the bottom. Are those withdrawals? I mean, there is no refund of the application fee, I think. I was just suggesting that we add that, and I know there's not [inaudible]. I'm trying for JAPC not to have to do too much. I'm sorry.

Unidentified person – The fees are listed as nonrefundable under the application.

Ms. Munson – Right. So, they would -- That's why I read the top of it.

Unidentified person – Yes.

Ms. Munson – Sorry, Director Schwantes.

Ms. Schwantes – No problem.

Ms. Munson – Thank you.

Chair Clark – We do have a motion for no change, and it's been seconded. All those in favor say aye.

Committee members [Unison] – Aye.

Chair Clark – Any opposed? And that motion carries.

(14) 69K-12.003 - Procedure for Submission and Approval of Monument Establishment Retail Sales Agreements

Ms. Schwantes – The Rules Committee's review from the prior meeting is on Page 37. The Rules Committee voted for no change. There were no Committee member comments at that time. Ms. Coney raised again, perhaps change the mail references to email references, or include options and needs in addition of a \$5 license activity fee that was raised in the last meeting. There were no written comments received. There is proposed rule language from the Department. You'll find that on Exhibit E, Page 2, so that you will see a sample of the types of things that the Department is changing. And when you look at 12.003, it is found on Page E2, you'll see that the changes the Department is proposing are in the rulemaking authority provisions. One of the things that we are looking at is going to more generalized reference to the statutes instead of specifically referencing sub paragraphs. It makes it easier when there are statutory changes down the road for whatever reason. And those are the only changes that are found on that rule. But it's a great sample of how detailed some of the review is going.

Chair Clark – Any public comments for 69K-12.003? Hearing none.

Mr. Jensen – So, Mr. Chair?

Chair Clark – Yes?

Mr. Jensen – So, if I understand what Ms. Schwantes just said was that we need to vote, don't open it back up because the Department's already working on it.

Chair Clark – That's how I understood it as well.

MOTION: Mr. Jensen moved that there be no changes from the previous ruling. Chair Clark seconded the motion, which passed unanimously.

(15) 69K-17.0036- Course Required for Initial Licensure

Ms. Schwantes – The Rules Committee's prior review is found on Page 39. The Rules Committee voted for no change. There were no Committee member comments about that at the time. Ms. Peeples actually raised this as a public comment during the meeting. She says, look at the last sentence of the rule. Perhaps the 24-month window should be adjusted to something like two (2) months due to frequent changes in the courses. And then we go on to today's meeting, there were no written comments received and there are no proposals from the Department at this time.

Chair Clark – Any public comments for 69K-17.0036? Hearing none.

Mr. Jensen – May I ask, and maybe Ms. Peeples can help me here. So, I'm guessing she's referring to the communicable disease course that is required and it's only good for two (2) years. Even if you take a state rules and laws test, it's only good for two (2) years if you get a different license. If you stay in the same license, it's fine. Is that what we're talking about here?

Ms. Schwantes – Ms. Peeples, if you'd like to respond to that, please come up. Thank you.

Mr. Jensen – Yes, she's saying two (2) months, but I don't understand why.

Ms. Jill Peeples – Yes, sir, Mr. Jensen. I kind of was coming back to the aspect where we're on kind of the last sentence that says the course shall have been completed within twenty-four (24) months prior to the date the application for licensure is received. There have been a couple of applications that have come through to the Board itself for approval. And even though it's one of the items that can be confirmed in the office, that's informational only, some of the courses have been longer than twenty-four (24) months that they've been in existence. So that was kind of the basis on my comment. If that help, I may {inaudible} order.

Mr. Jensen – Well, it didn't in that respect So, are you concerned that the course is not up to date? Or are you concerned with the person doesn't have a certificate up to date?

Peeples – Kind of the length of time from twenty-four (24) months making it less than that, because each course provider has to go through their approval process again. So, we're just trying to kind of clarify. So, whatever is the Committee's comment or recommendation will be correct. Thank you.

Mr. Jensen – Okay. Thank you.

Chair Clark – Thank you, Ms. Peeples. Any other public comment. Mr. Beckham?

Mr. Howard Beckham – Good morning.

Chair Clark – Good morning.

Mr. Beckham – Just want to clarify Mr. Jensen's comment and then Ms. Peeples' comments. The 24-month period of usual funeral service education does include a course, a three-hour college credit course on epidemiology or something qualifies that defined by American Board of Funeral Service Education. Generally, I know when I was licensed, I did not have to take a communicable disease course for a period, that first licensure period, after I was licensed, I was selected funeral director and embalmer. I believe this is what this is alluding to. I would defer to those with legal minds of expertise to see if that's what it's referring to. But if someone has been out of mortuary school for an extended period over, you know, time that's passed, they possibly should take a communicable disease class for CEs to qualify to be licensed. That's just my opinion. Excuse me. I didn't state my name for the record. Do I need to do that?

Ms. Schwantes – Please.

Mr. Beckham – Howard Beckham. B-E-C-K-H-A-M. I'm the Program Director of Funeral Services of Florida State College, Jacksonville.

Chair Clark – Thank you.

Mr. Jensen – Yes, Mr. Chair. That's sort of what I was getting at is, you know, when I go to renew my license, I have to have a current communicable disease course, that's no longer than two (2) years old. So, that's why I was asking Ms. Peeples if she's talking about the certificate itself or the actual course needs to be updated more? Because there's a lot of different providers out there. So, I'm just confused as to what it is. So that means we should probably open it up.

Chair Clark – We can definitely do that.

MOTION: Mr. Jensen moved to open this rule.

Chair Clark – Any other public comments? I thought there might be one brewing.

Ms. Lauren Pettine – I just wanted to clarify because I think the question may already be answered in the rule. The language says the course will have been completed within twenty-four (24) months prior to the date the application for the licensure is reviewed by the Division. So, the occurrence is after having taken the communicable disease course, how long it applies for this licensure. I think this is inconsistent or at least less consistent with the requirements for communicable disease to do this that are taken by unlicensed personnel, which needs to be something within thirty (30) days. So, I suspect that, and I can't speak for Ms. Peeples, but I suspect that is the inconsistent [inaudible].

Chair Clark – Thank you.

Ms. Clay – I second that motion to open it back up.

Chair Clark – Okay. We have a motion to open and it's been seconded. All those in favor say aye.

Committee members [Unison] – Aye.

Chair Clark – Any opposed? And that motion carries.

(16) 69K-17.0041 - Continuing Education Provider Requirements

Ms. Schwantes – The Rules Committee review begins on Page 41. The Rules Committee voted for change in this circumstance. Committee members said they agreed with the Department's proposed changes. If you remember at the last meeting, the Department had an initial review that was set out in the workbook and that's the reference to that. There is no 69K-14.007 as referenced. Also, problem with reference to 61-66.015, FOC, and website reference will need to change. This is one that the Department is working on. There were no written comments received, but if you will turn to Addendum E. Page 3, you'll see that the Department is proposing changes to this rule to address those. So, it is up to the Committee as to whether the Board also needs to make changes.

Chair Clark – The changes had to do with, I don't think they were substantive, but I think when we voted we hadn't defined the difference between.

Ms. Schwantes – Correct. So, it was left on for today because again, we've put on the agenda today anything that Committee members commented on, and/or any public comments were received on this.

Chair Clark – So if I can clarify this for the Committee. I believe we said yes, it needs to be changed thinking that the changes were substantive, but I don't believe they are. So, we need to have any changes that are substantive and none we're discussed at the last meeting and there's been none submitted for our review. So hopefully that helps

Ms. Schwantes – So, Mr. Chair. I think you need to ask for public comment because I don't remember doing that on this one.

Chair Clark – Any public comments on 69K-17.0041. Hearing none.

MOTION: Ms. Clay moved that there be no changes from the previous ruling. Mr. Jensen seconded the motion, which passed unanimously.

Ms. Schwantes – And just to clarify, you are changing the prior finding to being no change and not opening?

Chair Clark – Correct.

Ms. Munson – May I just quickly just for the record's sake? We are using the term substantive, and I've even used it before. I think we are saying that if the Department is making changes, it's administrative because their changes are also substantive by the way. It's just because it's a material change to give to the forms. So, when we say substantive, we're trying to say it's not a Board-related change and I think we should just use that language not Board-related.

Chair Clark – That is helpful because we were figuring it out during the meeting last time.

Ms. Munson – Right. So, say not Board-related instead of not so specific as those changes are. And also, for clarification, I was curious on all of the rules that the Department has decided they may recommend change, they've deleted all the subsections. Are we wanting to do that as well? We have a lot of rules like that. So, just for those that we decide to open, we're going to cut those subsections too?

Ms. Schwantes – I think that that would be wise to follow that and that will make it easier when there's subsequent changes to the statutes that would be easier than having to go back and re-identify on the rule what subsections need to be changed.

Ms. Munson – Thank you.

Ms. Wiener – So 497.283 rather than 497.283(5)?

Ms. Munson – Correct.

Ms. Wiener – Okay. When I do my drafting, I'll separate.

Ms. Schwantes – That will keep it consistent. And we will be looking for that anyway in coordinating with the Board counsel and Department rulemaking counsel.

(17) 69K-17.0042 - Approval of Continuing Education Courses

Ms. Schwantes – This is similar to the last one that we talked about. The Rules Committee review begins on Page 43 along with the rule. This is one that the Committee voted to change, but again, it was based upon the Department's proposed change, which was found in that prior table that you don't see here anymore. There were no written comments to this. However, the Department's proposed rule on this rule is found on Page 4. And again, the Department is suggesting more technical changes and such that it has responsibility for.

Chair Clark – Are there any public comments for 69K-17.0042? Hearing none.

Ms. Schwantes – You would need to update [inaudible].

Chair Clark – Yes, it's similar to the last one.

Ms. Clay – Mr. Chair?

Chair Clark – Yes?

MOTION: Ms. Clay moved that there be no changes from the previous ruling. Mr. Jensen seconded the motion, which passed unanimously.

Chair Clark – We're going to take a 10-minute break. We will be back at 11:45.

*****BREAK*****

(18) 69K-18.001 - Embalmer Intern Training Program

Ms. Schwantes – The Rules Committee's review is found on Page 46. The Rules Committee voted for change on this one. And one of the comments made was that they wanted to clarify the requirements as renewals and extensions of internships in subparagraph (3) and particularly set parameters as to when an internship must begin anew, which is in subparagraph five if the rule. Mr. Jensen made those comments. Public comments were received. And Lisa Coney just basically supported that a review of subparagraph (5) is appropriate, as previously suggested by Mr. Jensen. There were no written comments received to this rule and no proposed ruling from the Department. Open for public comments?

Chair Clark – Yes. We'll open for public comments. I would just add on my notes, in line with what Mr. Jensen said, there was discussion about finding a way to encourage interns to take the National Boards within the internship, preferably right after school. And then if they fail, grant that extension, but waiting to the 11th hour, I just wanted to add that to the record. Any public comments?

Mr. Jensen – Mr. Chair, may I?

Chair Clark – Yes.

Mr. Jensen – Just a small clarification on that. One of the things I was also getting at on that rule is we've had several come before the Board where they're applying for internship extensions, and currently the rule states that there's one (1) per lifetime. Even though we've granted a lot of those, I think we should clean that up and have more of a, okay, if you've waited this long and not re-upped your internship, then you need to start anew. A certain amount of time is where I was going. Okay. Thank you.

Chair Clark – I agree. Yes, sir. Mr. Beckham?

Mr. Beckham – Howard Beckham. B-E-C-K-H-A-M. I'll comment on this 001, 002, 003, since they all kind of relate to each other. So, I'll just address this at one time. Mr. Jensen's comments, I think that the extensions are interesting, at least because of the statute does seem to say 365 days, one (1) year, and the Board has overruled those multiple times. The complaints I get by students about the application process for the internship and things dealing with that. And some of those are non-response from the Board. Certainly, individuals of the Board who don't return phone calls or emails in response to applications continually. I've had students call me up in tears even then and sometimes it appears because of the indifference of certain individuals and lack of correct information. By being told that they have to take the National Boards after their internship and that they'd have to take the state Laws and Rules Exam after their internship. This is an impediment to people becoming licensed and this impediment is being given by members of the Board, which I was told actually to my own self on a phone call to the Board by someone -- by two (2) individuals on the call. So, this is what I'd like the Rules Committee to consider, is the stating in these three (3) rules that they have to take the National Boards and the internship during their internship. They also have to take the state Laws and Rules Exam during their internship. I didn't say pass, but they have to at least take it during that period of time. As far as extensions, that's up to the discretion of the Board and the Rules Committee if they wish to grant any extensions. I don't think by statute, and the attorneys in the room can correct me if I'm wrong, that that's in statute to allow that. That's something that the Board has overruled. So, I'd like to see that consideration and changes. And I'd appreciate if someone would make a motion perhaps to include those exams in the internship process. I appreciate it. Thank you.

Mr. Williams – Mr. Chair?

Chair Clark – Yes?

Mr. Williams – Just a question. I just want clarity. I know he's mentioned the Board has been sent emails and phone calls. Did he mean the Division?

Ms. Schwantes – Mr. Chair, may I?

Chair Clark – Yes.

Ms. Schwantes – Mr. Beckham?

Mr. Beckham – Yes, ma'am?

Ms. Schwantes – When you mention Board staff, you are talking about Division staff, correct?

Mr. Beckham – Yes, ma'am.

Ms. Schwantes – You're not talking –

Mr. Beckham – I'm not talking about the Board members themselves. Mr. Williams, I apologize. I didn't wish to frame [inaudible] people to be on the Board themselves. Though I have referred people to contact members of the Board about their complaints because I can't do anything about it. I have no influence other than standing here before you.

Ms. Schwantes – Okay. Just a couple of things. First of all, I'm sorry that your students have expressed those kinds of problems. I know they have been brought to my attention, and we've dealt with them. I've actually talked with you a number of times about that too. Please, and this goes for anybody, for any complaints about staff at the Division, please contact me directly.

Mr. Beckham – I'll refer them directly to you.

Ms. Schwantes – Like anybody else, I can't see everything that's going on, but I certainly will get them addressed. So please –

Mr. Beckham – I appreciate that.

Ms. Schwantes – So, I appreciate it. And thank you, Mr. Williams, because I was going to clarify that as well, because I knew Mr. Beckham definitely was not contacting Board members directly with these complaints.

Mr. Beckham – My apologies.

Ms. Clay – Mr. Chair?

Chair Clark – Yes.

Ms. Clay – Before you leave.

Mr. Beckham – Yes, ma'am?

Ms. Clay – You're recommending that those exams be done while a person is in the midst of an internship.

Mr. Beckham – Yes, ma'am.

Ms. Clay – You stated that you didn't care whether they passed or not. My question is, and you can comment, my question is though, if I fail, are you still recommending I'm held in line with the 365 days of passing?

Mr. Beckham – Perhaps I should give a caveat, with permission of the Chair.

Chair Clark – Yes.

Mr. Beckham – May I explain how the Board works for the Division for Ms. Clay who doesn't know exactly how the Board works? Upon completion of a program from the graduate funeral service programs, the program director submits the names, the information of these graduates to the examining authority. And then at that point, it is up to the student once they receive an email from that authority, which you do within three (3) to five (5) days to schedule a Board exam for arts and for sciences. Upon doing that, then they can schedule to take the exam. That goes for all mortuary schools in the United States. We are doing everything -- our goal as educators is to have them pass the first time. It's a \$570 exam. Lots of students don't want to retake that over and over again. So yes, we do try to have success rates. I can brag on our school right now, on the arts, we have 100% pass rate of class of the people who have taken it. This last graduating class, we have an 80% pass rate on sciences with people who have passed it. The rules changed on January 1st of this year that students can retake it now every six (6) weeks if they were not successful the first attempt. And so, they have plenty of time within that one-year internship to retake the Boards and pass it. Our goal is to have people at the time they finish their internships with these funeral homes, their licensed training facilities, to be able to go before the Board and go before the Division with their applications, hopefully with no criminal background, and be able to join the camaraderie of excellent funeral service as licensed funeral directors and

embalmers or licensed funeral director, whatever the case may be. That's our goal, Ms. Clay. [Inaudible] remark about whether they pass or not. I want them to take the exam. The sooner they take the exam; they take the exam in ninety (90) days after graduation, they don't always pass. I know that. So, what happens is people get frightened of exams. I don't know if you've ever gotten frightened of an exam. And so, they put it off, they put it off, put it off. I don't remember what I had for breakfast three (3) weeks ago on a Wednesday, and I'm sure they don't remember how to find the linear guide to find a certain artery or vein in a body after a certain period of time, which, you know, you test for that. So, Mr. Chairman, I think that's for that information. Ms. Clay, does that help you understand that better?

Ms. Clay – I understood that part. The part that I didn't understand was your recommendation. What would be your recommendation?

Mr. Beckham – My recommendation? Yes, ma'am. To be plain, I would like to have it in the rules that they need to take the National Board Exam during their internship. So that, one, everybody knows we're on the same page. Also like they have to take the state Laws and Rules Exam during their internship. So, to quote the phrase we had in the political arena some years ago, there's some already when they graduate, and they finish their internship to go before the Board to be licensed as funeral directors and embalmers and begin practicing and fill the voids that we hear about out there from funeral directors in funeral homes that they need good people. That's our goal.

Chair Clark – Ms. Clay, any other questions?

Ms. Clay – No, I'm good.

Chair Clark – Okay. The good news today is we're just waiting on do we want to open it or not and then we can figure out the language. But I appreciate the comments.

Mr. Beckham – That's all, honestly.

Chair Clark – Any other public comments? Hearing none.

Ms. Schwantes – Mr. Chair, the Committee voted last time that we should look at this for change. There were no written comments received and no proposed language from the Department at this time. However, the Division would also recommend that this remains open and looked at again, and revisit not only this one (1), but probably the next two (2). Although we'll have to address those, but individually.

Mr. Jensen – Can we vote on all three (3) at once?

Chair Clark – We cannot. Do we have a motion?

MOTION: Mr. Jensen moved that there be no changes from the previous ruling. Mr. Williams seconded the motion, which passed unanimously.

Ms. Schwantes – And thank you all Committee members for going through this in detail. It helps a lot. This is public comment on this one.

Mr. Mixon – What I think I understand that this is going to come back. Will it come back before this Committee? Would you like for us to propose some language for this Committee to see at the next meeting, or is this going to be put off?

Ms. Schwantes – No, sir. Any of the rules that the Committee votes to revisit today will be brought back up again at subsequent Rules Committee meetings.

Mr. Mixon – Okay.

Ms. Schwantes – I'm thinking when we see the final count that what we try to do is have an online meeting and divide whatever rules are made that need to be revisited up into smaller batches. And at that time, when it's notice for whatever rule

is going to be on the agenda, we would want written comments received in advance that contain the proposed language, just to help the Committee get further along.

Mr. Mixon – Wendy, to draw to your attention -- and like this one she proposed language. Those are to be brought back up individually or in a sub-Committee meeting.

Ms. Schwantes – At a subsequent Rules Committee meeting. Yes, sir.

(19) 69K-18.002 - Funeral Director Intern Training Program

Ms. Schwantes – This is a lengthy rule. The Rules Committee's notes begin on Page 52. The Rules Committee said possible change on this before. There were comments made by Mr. Jensen to clarify the requirements as the renewals and extensions of internships and the set parameters as to when an internship must become new. And Ms. Coney had public comments at the time to clarify the requirements, again, supporting what Mr. Jensen had said. No written comments received, no proposed rule language from the Department at this time.

Chair Clark – Any public comments? And let the record reflect that Mr. Beckham's comments from the previous item apply to this as well as 69K-18.003. Any other public comments? Hearing none.

Mr. Jensen – So, no change because we've already said we need change?

Chair Clark – Correct.

Ms. Schwantes – Correct.

MOTION: Ms. Clay moved that there be no changes from the previous ruling. Mr. Jensen seconded the motion, which passed unanimously.

(20) 69K-18.003 - Concurrent Internships

Ms. Schwantes – The Rules Committee reviewed things on Page 54. This is one where the Committee voted no change. There were no Committee member comments at the time, however, Mr. Beckham brought problems about the students not finishing internships. And Ms. Coney brought up [inaudible] Committee rules for the same categories in the prior two (2) rules we talked about. No written comments. No proposed rule language on this. And I believe you said Mr. Beckham's public comments today carry over to this rule as well

Chair Clark – That's correct. Any other public comments?

Mr. Mixon – Yes. The IFDF is preparing for a meeting in just a couple of weeks. The purpose of that meeting is to look at internships and training programs in the state, and we'll be coming back with proposed language probably on all three (3) of these.

Chair Clark – Thank you, sir. Thank you. Any other public comments? Hearing none.

Ms. Schwantes – But again, on this one, this Committee had previously voted no change.

Chair Clark – So, on this one (1) we voted different than the prior two (2). I know that was confusing.

Mr. Jensen – So we need a motion to open it?

Chair Clark – Correct.

MOTION: Mr. Williams moved to open this rule. Ms. Clay seconded the motion, which passed unanimously.

(21) 69K-18.004 - Intern Training Agencies

Ms. Schwantes – The Rules Committee's review begins on Page 57. The Rules Committee previously voted for no change to this rule. There were no Committee member comments. Ms. Coney said this should be reviewed to possible striking to this rule initially became effective in 1979. There were no written comments received and no proposed rule on the change. So, public comments at this time.

Chair Clark – Public comments for 69K-18.004? Hearing none.

Mr. Jensen – Question.

Chair Clark – Yes.

Mr. Jensen – Ms. Wiener, since your partner, Ms. Coney, is not here, is this a redundant rule?

Ms. Wiener – No. I think the rule has been amended a couple of times, but I think her concept was that it perhaps needed a substantive look to make sure that this is actually what the Board and the Division wants to impose upon training agencies in terms of requirements before they take in interns. But we did not address it in in our written comments.

Mr. Jensen – Okay. So, we voted for no change.

Chair Clark – We voted for no changes.

MOTION: Mr. Jensen moved that there be no changes from the previous ruling. Mr. Jensen seconded the motion, which passed unanimously.

(22) 69K-20.001 - Report of Cases Embalmed or Bodies Handled

Ms. Schwantes – The Rules Committee's review begins on Page 59. The Rules Committee voted for no change. No Committee member comments were made at that time. Public comment was made by Ms. Coney. The rule requires that you maintain for thirty-six (36) months, bodies handled report she's referring to, and that should be shortened to the greater of the next inspection of one (1) year, consistent with other retention requirements. And Ms. Peebles made a comment that you can't use EDRS to meet its retention requirements and wants to see if it could be electronically maintained using EDRS. There were written comments received. This was found by Ms. Wiener on the Addendum D, Page 3. It's at the top of the page. Ms. Wiener is here so she can address that during comments. And also, you'll find a proposed language on this in Addendum E, Page 5 from the Department. So, you see how the Department is reviewing this already.

Chair Clark – It's Page 6, just for the record.

Ms. Schwantes – Oh, thank you.

Chair Clark – Any public comments?

Ms. Wiener – Well, just to reiterate what's in writing. We would propose that this will be opened to consider changing the language to require maintenance until the inspection of the facility has occurred. Like so many other things in Florida law, they are maintained until after the inspection, the most recent inspection, and then they no longer need to be maintained, and we would submit reports falling to that category as well. I did not see what the –

Ms. Munson – If I may, while Attorney Wiener is looking, I would only suggest that if we open it, we are not talking about language today, but the wordsmithing, just to be mindful of it, since I know, you all want to take it back. I mean, I don't know what a licensee's regular inspection is by definition. So, thinking about terms like that might not fly through.

Ms. Wiener – That language does appear in several other statutes.

Ms. Munson – I get it. But once you open it up, you're going to draw attention to it and just because it's in other statutes, that's all I'm saying.

Ms. Wiener – Yes, I mean the hard part is this, sometimes the Division is short of inspectors and so a 36-month window may actually result in these reports not being there in the event that somehow someone's inspection got skipped or something. So, tying it to the inspection period, I don't know that that's so uncertain that JAPC would not like it, but tying it to the inspection period would seem to align with other provisions in the statute and the rules.

Ms. Schwantes – Mr. Chair?

Chair Clark – Yes.

Ms. Schwantes – I just want to clarify as to the inspections. We are required to do annual inspections by fiscal year on the establishments and calendar year on the cemeteries. So, to Ms. Wiener's point, it's not really a staffing shortage so much as it is the timing. You don't want to inspect the same funeral home every January. They expect that. You don't want that. But we have the entire fiscal year. So, you could inspect on July 30th of '25 but not get to the funeral home again until 2027 because of the fiscal years. So, I just wanted to clarify that.

Ms. Wiener – And if you've got Bodies Handled Report that predates that prior inspection period, then three (3) years might not just capture it all. It just seemed like making it something that has to be provided to the Division upon inspection, all of the Bodies Handled Reports since the date of the last inspection would make more sense.

Ms. Munson – And that that language is much better than licensee's regular inspection.

Ms. Wiener – Sure.

Ms. Munson – Yes. That's all I'm saying.

Ms. Wiener – And in no way were these comments meant to be proposed rule changes, but if it is the pleasure of the Committee to open this rule, then we'll provide suggested language to be discussed over the next meeting.

Ms. Munson – And that was my only comment because I know he opened it. I know you're going to take it back and when you're trying to wordsmith it, so keep that in mind.

Ms. Wiener – Sure. Yes, absolutely.

Chair Clark – I just want to make one clarification for the record. I said it was on Page 6, the Department's comments. They are Page 6 of the electronic file, Page 5 of the printed file. And I also note that in their recommended changes, it does not address the length of time, it's just cleanup.

Ms. Schwantes – Correct.

Chair Clark – I wanted to clarify that because I misspoke, I apologize.

Mr. Williams – Question?

Chair Clark – Yes.

Mr. Williams – Question to Ms. Wiener. I know she has a lot of historical background. So, what was the reasoning or the background for having the thirty-six (36) months versus -- because when I look at things like this, it had to be reason why thirty-six (36) months versus, as you stated, you know, or have the reports at the last inspection?

Ms. Wiener – To my knowledge, that thirty-six (36) months has been in the rule for as long as I've been around, which is now thirty-three (33) years, but the rule was originally created in 1979. So, they put it in, I believe, there was a time period, and I bet

Mr. Knopke could tell me if I'm right or wrong if he's still back there, but where funeral home inspections were every three (3) years. Is that right or not?

{Inaudible}.

Ms. Wiener – Oh, okay. But yes, they were every three (3) years. So, I bet it was originally meant to tie to an inspection period. But now, as Ms. Schwantes says, they're every year but it's not always the same month and date of every year because, to your point, that would defeat the whole purpose.

Mr. Williams – And just for clarity, Ms. Schwantes, would this be more of administrative type thing?

Chair Clark – It would be substantive.

Mr. Williams – Okay.

Ms. Munson – This will be, Board-related.

Chair Clark – Sorry.

Ms. Schwantes – Yes. The changes that you're seeing in the proposed rule from the Department are not Board-related type changes. They are more grammatical, technical, et cetera, and may be substantive in nature. However, the Board changes would require this Board procedure. I want to go back briefly to something that you all were discussing. Until a few years ago, and I know the licensees know this, the Bodies Handled Reports had to be maintained in paper because you did not have the ability of keeping the information in your EDRS. EDRS is maintained by another agency, and they have kindly changed their system to allow our licensees to do that. I don't know yet; we would have to talk to them about what else they would kindly like to change with regard to it, but a big problem that we see potentially with changes to this, we have to be very careful, is that not all licensees put information into EDRS. The only licensees who put information in EDRS are those that request death certificates. And yet all licensed establishments are required to maintain the Bodies Handle Reports. So, when we look at this further, and we're in agreement that we should, we do need to take that into consideration and also go back and do a full statutory analysis as well.

Mr. Williams – So, Mr. Chair?

Chair Clark – Yes?

MOTION: Mr. Williams moved to open this rule. Ms. Clay seconded the motion, which passed unanimously.

(23) 69K-21.009 - Disinterment Reporting

Ms. Schwantes – The Rules Committee's review is found on Page 60. The Rules Committee voted for no change to this. There were no Committee member comments. There were several comments, public comments made at the last session. Written comments were received on D (3) from Ms. Wiener. The public comments received at the last time, Ms. Peebles said nothing has been updated on these internment issues except the Bodies Handled Reports and some of the requirements cannot be done with these other licenses handled disinterment and the reporting entity doesn't have disinterment number. Ms. Coney indicated that this rule is not used. Board counsel suggested at the time that we possibly add a new rule or definition somewhere to the mail, including the email, which goes back to that mail/email issue that is a process change that the Department will handle. Ms. Wiener is here, if she wants to clarify her written comments from before.

Ms. Wiener – Thank you. Our suggestion would be to strike the last sentence of the rule which says the report, which is the Bodies Handled Report, on which a disinterment is reported shall be mailed to the Board not later than the 10th day of the subsequent month during which the disinterment occurred, because Bodies Handled Reports, as we've just discussed, have to be maintained and are regularly examined, and no one does this, by the way. At a disinterment, no one is mailing a copy of that random one-month Bodies Handled Report. So, we would recommend that you open the rule and strike that last sentence.

Chair Clark – Maybe I missed it, but did you address the whole thing about the disinterment permit, which there's not one?

Ms. Wiener – I did not address.

Ms. Munson – Well, we are on disinterment, right?

Ms. Wiener – We're on the rule about disinterment.

Ms. Munson – Right. Are you talking about 21.001?

Ms. Wiener – I'm looking at Disinterment Reporting.

Chair Clark – Yes, 009.

Ms. Munson – 009? Striking the last sentence? Okay.

Ms. Wiener – I don't understand the question, Mr. Chair.

Chair Clark – It says disinterment or burial transit number. I thought there was language about a disinterment permit. I know Lisa said it, but I thought –

Mr. Jensen – Well, Ms. Peebles made the comment that if you're doing it with the reporting entity it doesn't have the disinterment number. So that would probably be referred to as a permit.

Chair Clark – I did try striking the last sentence, which is I just want to make sure.

Ms. Clay – In this case, we just need to move that it's [inaudible].

Chair Clark – Correct.

Ms. Clay – Oh, okay.

Chair Clark – But we're still on public comments. Ms. Peebles?

Ms. Peebles – Thank you. From the July meeting, 69K-6.007; Criteria for Burial, Disinterment, Re-Interment, that's where we were talking about that it did not require a permit and there's no such item anymore. So those two (2) need to reflect -- I have from 69K-21.009, and 69K-6.007.

Chair Clark – That's right. Thank you. So yes, you are right. Thank you for helping me clarify.

Ms. Schwantes – So, 6.007 is not on today's agenda.

Ms. Peebles – Correct. But from his comment talking about the disinterment aspect, that's where that came from.

Chair Clark – Thank you. Thank you so much. Any other public comments? Ms. Clay?

MOTION: Ms. Clay moved to open this rule. Chair Clark seconded the motion, which passed unanimously.

Ms. Schwantes – Just to clarify, we are revisiting and saying there should be changed?

Chair Clark – Correct.

Ms. Schwantes – And open it.

Ms. Munson – When the votes conclude, I just had a question for point of clarification, if I may.

Chair Clark – Yes?

Ms. Munson – Are we doing anything with 69K-21.001? I know it's not on the agenda, but I see it listed in Ms. Wiener's list of rules for consideration.

Ms. Schwantes – We are not.

Ms. Munson – Okay.

Ms. Wiener – That was one (1) of the four (4) that Ms. Schwantes referred to that were in my comments, but that are not being revisited at this time.

Ms. Munson – Thank you.

Ms. Wiener – We'll come back around to those later.

Ms. Munson – Thank you.

(24) 69K-22.003 – Fees

Ms. Schwantes – The Rules Committee's findings are on Page 62. The Rules Committee voted for no change and there were Committee comments made. However, there was also public comment made by Ms. Coney. No written comments and no proposed rule language.

Mr. Jensen – Well, so Ms. Coney's comments are kind of the same thing about adding the email, but Mr. Williams had stated that counsel indicates Department will review and report back to the Board as necessary as this is a procedural issue. So, is this something we need to take action on, or no?

Chair Clark – I don't believe we do. And I apologize, I didn't know if you had anything further. I was going to open up for public comment, but I think the answer is no.

Mr. Jensen – Okay.

Ms. Schwantes – I apologize. I was updating my meeting notes.

Chair Clark – That's all right.

Ms. Schwantes – So, you're opening for public comment?

Chair Clark – No public comments.

Ms. Schwantes – Again, there were no written comments, there was no proposed language on this, and the Committee had voted before for no change.

Mr. Jensen – So, we don't need to open it up because it's procedure.

MOTION: Ms. Clay moved that there be no changes from the previous ruling. Mr. Jensen seconded the motion, which passed unanimously.

(25) 69K-22.007 - Standard Uniform Procedures for Removal of Cremated Remains and Postcremation Procedures

Ms. Schwantes – The Rules Committee's review begins on Page 65. The Rules Committee had voted that there should be change on this. Committee members' comments are on Page 66. There were concerns raised regarding adding clarification of granulated particles and how remains are released. And also question as to whether or not it should add legally authorized persons in (5)(b), and these comments were made by Mr. Jensen. Ms. Coney suggested adding terminology regarding the granulated particles, but the particles must be pulverized in such fashion that results would not be recognizable as bone fragments. Mr. Ferreira made a comment that the fragment material in new processors looked chunkier than an old machine, so it's not like the powder. And it was just given us FYI on this. No written comments, and no proposed rule language at this time.

Chair Clark – Any public comments?

Mr. Jensen – I have a comment on this one.

Chair Clark – Yes.

Mr. Jensen – So, you know, I was talking about that, and I think where Mr. Ferreira went to was kind of where I was going with that, when Ms. Coney suggested that should not be recognizable as bone fragments, I don't know that that's possible, but where do you define that? I know we've had a case that came before the Board where apparently the cremains were not pulverized to, you know, what the Department felt like was not enough. So where is that line? But I don't think you can make it to where you're not going to recognize any bone. I mean, I've never seen that.

Chair Clark – Yes. I know there were no written comments submitted, but I think we've already voted that it would need changes. So, I think my motion will be that we're not changing from last meeting. And I would ask the folks in the industry to help us figure this out because I've been racking my head too. It needs better language for sure, but I think more ideas on this one will be helpful.

MOTION: Chair Clark moved that there be no changes from the previous ruling. Ms. Clay seconded the motion, which passed unanimously.

(26) 69K-23.001 - Manner of Application

Ms. Schwantes – The Rules Committee review is found on Page 67. The Rules Committee voted to change this. Comments were made at the time by Board counsel and Jill Peebles that we need to revisit the change of timing of when the examinations are conducted, see (2). And Lisa Coney agreed with that. There were public comments received on D (3), from Ms. Wiener, and there is also proposed language on this rule found in D (6) on Page 6 of Addendum E.

Ms. Wiener – It's on the PDF. It's Page 7, but it says Page 6.

Ms. Schwantes – The PDF includes that cover sheet. And I'm referring to the rules and the way they're referenced in the workbook are not including the coversheet because they were done using the paper versions.

Ms. Wiener – Mr. Chairman, we would recommend that this rule should definitely be opened. Examinations are not only administered on the second Monday of January and July of each calendar year.

Chair Clark – Any other comments on it?

Ms. Wiener – I would recommend that the rule be open to eliminate that reference.

Chair Clark – Thank you. Any other public comments? Hearing none. And just a reminder for the Committee, we did identify updates that needed to be made.

Ms. Schwantes – So, you'll be voting that no changes are needed to the prior responses, right?

Chair Clark – Correct. Do we have a motion?

MOTION: Mr. Jensen moved that there be no changes from the previous ruling. Mr. Williams seconded the motion, which passed unanimously.

Chair Clark – At this time, we're going to take our lunch break, and we will resume the meeting at 1:00 PM

*****BREAK*****

Chair Clark – So, we're going to call the meeting back to order. I do apologize for starting late, but we had a matter to address, which we've done. So, we'll continue with the agenda.

(27) 69K-23.003 - Renewal of Direct Disposer Licenses

Ms. Schwantes – The Rules Committee review begins on Page 68. The Rules Committee determined that change was needed for this. Comments were made from Mr. Clark that this needs to be updated to reflect that we can renew online, and that email should be used for communication with the Department. Ms. Coney also suggested updates regarding recent FDIC language. There were no written comments received. You will see in the proposed rule language from the Department Addendum E, a sample of what the Department's review of this looks like, and that is on Addendum E, Page 6.

Chair Clark – Are there any public comments? Hearing none. Again, for the Committee we've voted to open this rule.

Mr. Jensen – Mr. Chair?

Chair Clark – Yes?

Mr. Jensen – When it's open is that when we can possibly talk about deleting direct disposers altogether?

Ms. Schwantes – May I, Mr. Chair?

Chair Clark – Yes.

Ms. Schwantes – That is a legislative change that would have to be done before we could do anything regarding the rules on direct disposers.

Mr. Jensen – And I understand there's some legislation coming next year to address that.

Ms. Wiener – Hopefully.

Ms. Schwantes – And again, if I may?

Chair Clark – Yes.

Ms. Schwantes – I cannot speak to the Department's agenda at this point. I am not yet sure what the CFO's priorities will be for this coming year.

Mr. Jensen – Okay.

MOTION: Ms. Clay moved that there be no changes from the previous ruling. Mr. Jensen seconded the motion, which passed unanimously.

(28) 69K-23.004 - Direct Disposal Establishments

Ms. Schwantes – The Committee's review from last month is found on Page 71. The Committee voted for no change. Comments were made that the Department needs to update the reference before you begin that. Something that we will take a look at. And that was made by Mr. Clark. And then Ms. Coney also said that we should continue the \$5 unlicensed activity

fee, which may need statutory change, and we would agree with that. Public comments were received. Proposed language from the Department's found on Addendum E, Page 6.

Chair Clark – Any public comments? Hearing none.

MOTION: Mr. Jensen moved that there be no changes from the previous ruling. Ms. Clay seconded the motion, which passed unanimously.

(29) 69K-24.021 - Requirements for Inspection of Removal Services

Ms. Schwantes – The Rules Committee's review is now on Page 73. The Rules Committee voted for no change. Comments were made by Lisa Coney during the meeting, to consider combining it with the next rule. There is a slight difference between the two (2) rules, but I understand where she was going with this. No comments were received in writing and no proposed rule language from the Department.

Chair Clark – Are there any public comments? Hearing none. Mr. Jensen?

Mr. Jensen – So, if it was combined with the next rule, that would be more of a deal the Department's working on, right?

Ms. Schwantes – We are not looking at matters that the Board should consider. However, there is a slight difference between these two (2) rules, but I think that if you're going to open one, you'd want to open both so we could take a close look at it. And there are actually a couple of other rules that are similar regarding other licenses, two (2) of which passed last time with no change to them. The difference to me, and I've talked with staff about this, is one is what does it take, what are the requirements for a removal service to be ready for an inspection? And then the other is what are we looking at? It's very fine difference and I don't historically know why they were set up separately like that, but they're set up separately for just about every license type. So, our recommendation at this point would be no change.

MOTION: Ms. Clay moved that there be no changes from the previous ruling. Chair Clark seconded the motion, which passed unanimously.

(30) 69K-24.022 - Inspection Criteria for Removal Services

Ms. Schwantes – Again, this is what our inspectors look at when they go on site. The Committee's review is found on Page 75. The Committee voted for no change to this. There were no Committee member comments. And again, Ms. Coney suggested combining it with the prior one. No written comments. No proposed language from the Department.

Chair Clark – Are there any public comments on 69K-24.022? Hearing none.

MOTION: Ms. Clay moved that there be no changes from the previous ruling. Mr. Jensen seconded the motion, which passed unanimously.

(31) 69K-24.031 - Requirements for Inspection of Refrigeration Services

Ms. Schwantes – The Committee previously voted no change to this rule. There were no Committee member comments. Ms. Coney had suggested combining this with 69K-24.032. This is similar to what we were just talking about. She also suggested referencing a change to the reference of 40-degree temperature requirement on inspection criteria. If we were opening it for that purpose, we will do statutory research because I'm pretty sure that that is a statutory reference on that, but I'm not positive at this moment.

Mr. Jensen – Yes, it's listed in 497.386.

Ms. Schwantes – So that could not be changed without changing the statute.

Chair Clark – Are there any public comments? Hearing none.

MOTION: Ms. Clay moved that there be no changes from the previous ruling. Mr. Williams seconded the motion, which passed unanimously.

Ms. Munson – May I?

Chair Clark – Yes.

Ms. Munson – Just as a comment, I do know Ms. Coney is not here, but just thinking, moving forward, if a part of the consideration with some of these, with this change is recommended or mandated by SB108 is to reduce some of the rules, if you were to ever consider combining them, and I just wanted to put it out there, then you simply would just make that a different subsection for the previous rule. You cut out a rule and you just added the language in the previous rule. And I don't know what the objective or the consideration of the Department would be overall, but if you're looking at rule number reductions, that's one way to actually obtain it.

Ms. Schwantes – Thank you.

(32) 69K-24.032 - Inspection Criteria for Refrigeration Services

Ms. Schwantes – The Committee's review is found on Page 78. The Committee voted no change on this. No Committee member comments. Again, Ms. Coney suggested combining those two (2), the prior rule and this one. No written comments were received and no proposed rule language from the Department was received.

Chair Clark – Any public comments for 69K-24.032? Hearing none.

MOTION: Ms. Clay moved that there be no changes from the previous ruling. Chair Clark seconded the motion, which passed unanimously.

(33) 69K-24.040 - Licensure of Centralized Embalming Facilities

Ms. Schwantes – The Committee's review from last month is found on Page 80. The Committee decided to change this rule. There were discussions from Mr. Clark that it possibly needs update as to the FDIC requirements in 497.385, and looked at (5) of the rule to make sure embalmer in charge aligns with the appropriate statutes. There were written comments received that is found on (D)(4) from Ms. Wiener and no proposed rule language from the Department.

Chair Clark – Public comments?

Ms. Wiener – The requirement that the full-time licensee in charge be in charge of only one (1) embalming facility is no longer consistent with state law. You can be in charge of two (2), if they are within seventy-five (75) miles. So, that provision should be stricken, and we would recommend that the Committee open this rule for substantive change.

Mr. Jensen – This refers to a centralized embalming facility. So, I mean that would be a possibly handling a whole lot more bodies than a single funeral home.

Ms. Wiener – Perhaps, but I mean, it depends. If your funeral home does, you know, 1,600 calls a year, then we didn't establish that to per licensee based on the number of calls. And a centralized embalming facility is one of the license types for which an FDIC can be in charge of that facility and another licensed location. So, that language in the rule really does need to be eliminated because it's no longer compliant with the law.

Mr. Jensen – So, you're basically just looking to make it more just like the funeral home. You could be FDIC at two (2) funeral homes within seventy-five (75) miles each other.

Ms. Wiener – Yes. Well, the statute that we change actually says you can be a licensee of two (2) of any of these license types and centralized embalming facility responder.

Mr. Jensen – Okay.

Chair Clark – I don't know if it helps Mr. Jensen, but that aligns with my comments. When 497.385 changed this doesn't align with that.

Mr. Jensen – Yes.

Chair Clark – I'll say that I agree with the comments that were just shared.

Mr. Jensen – Yes. I just wanted to make sure I was understanding exactly.

Ms. Schwantes – Again, the Committee previously decided to change this rule, and we would recommend that it be open.

Chair Clark – Any other public comments? Hearing none.

MOTION: Ms. Clay moved that there be no changes from the previous ruling. Mr. Jensen seconded the motion, which passed unanimously.

Ms. Schwantes – And that rule will be opened.

Chair Clark – Yes.

(34) 69K-31.001 - Procedure Required

Ms. Schwantes – The Rules Committee reviews from last month is found on Page 81. The Rules Committee decided no change on this. There were no Committee member comments. However, both Wendy Wiener and Jill Peebles provided public comment at the last meeting, which you'll find in the table on your workbook. More language and clarification as needed as to who is to receive cremated remains and impact of the legally authorized person statute versus who pays for the cremation. And there is proposed rule language from the Department found in E9, on Page 9. There were no written comments received.

Chair Clark – Any public comments on 69K-31.001? Hearing none.

Mr. Jensen – So, we already voted to open it, right?

Chair Clark – No, we voted no changes.

Mr. Jensen – I do think this is some that needs to be possibly defined a little better because there has been a lot of question as funeral directors we're always trained from a legally authorized person, but it seems in the past year or two that according to some lawsuits, and one particular lawyer in this room I've talked with, that some of this stuff is changing to where who pays for it, and different things like that. So, we probably need a good definition of that.

Ms. Wiener – It's not Mr. Jensen that it has changed. The law has always said that the legally authorized person contracting for the cremation services determines the disposition of the cremated remains. It's just that as an industry that seems kind of nuts. Or as a profession it seems kind of nuts. But the law has always said that, and a problem is that many licensees use a single-part authorization for cremation that has a place on it where the person signing the authorization can determine what happens with the cremated remains, but the person signing the authorization is not always the person that can determine that. So that's why you use the two-part authorization, and you use the two-part authorization. But so yes, we could open the rule to better clarify that. But I'm afraid, and the reason we didn't include it in our public comments is the statute is already very clear on who determines the disposition of cremated remains. And the purpose of rulemaking is not to just reiterate what's in the law. In fact, JAPC doesn't like it when you just reiterate what's in the law. So probably not actually necessary to open this rule because the law is very clear on this.

Mr. Jensen – Well, let me clarify where I was going with this. Funeral directors, you know, they're trained through school and everything, and legal next kin, legal next kin, even FTC mentions that. So going through all of those is legal next to kin, but yet that can be a little different.

Ms. Wiener – Well, I would say -- where's Howard? I would say that's a shortcoming in how you're trained if you're going to become a Florida licensed funeral director, that is literally just a shortcoming in the training. And if you are obligated as you are as licensees to know the Florida laws and rules then you should know that in 497.607(1), it is very clear that it is the person who contracts for, pays for the cremated remains, that determines the disposition of the cremated remains. So, is there a lot of confusion about it? Yes. Could a rule change help that? Probably make it clearer, but I don't know that it is actually necessary. If the Committee decides to open this rule, I'd be happy to try and write some clarifying language about the two-part process and make it clear as I do for my clients. If the person authorizing cremation is not the one paying, then they should not be signing the contract and the person signing the contract and paying is the one that fills out the order for disposition of cremated remains.

Mr. Jensen – Right. And I understand all that, but I'm thinking of the new funeral director coming out, you know, where I can see how that can get confusing.

Ms. Wiener – Or you've come from another state for that's happening.

Mr. Jensen – Yes. And I do understand what you're saying is, their responsibility to know the Florida rules and laws.

MOTION: Mr. Jensen moved that there be no changes from the previous ruling. Ms. Clay seconded the motion.

Chair Clark – Before we vote, Mr. Beckham.

Mr. Beckham – Just very briefly, Howard Beckham, to what Wendy said and what Mr. Jensen just said. Unfortunately, the American Board of Funeral Service Education and the testing agency, International Conference of Funeral Service Examining Boards, looks at our textbooks for questions, not Florida state Laws and Rules Exam. So that what you're talking about is prevalent in 90% of the United States where the legal next of kin, so we have to teach that for them to pass that question if that comes up in the National Boards. I support the idea that you're putting forth, that we clarify that in the rules, and we do have a section in our law class, which a person in this room probably teaches from time to time, that the Florida laws and rules that's emphasized in Florida, we have this exception, which doesn't happen time to time. But the National Board is a generic exam, so please -- we do teach it, but there's a caveat.

Ms. Wiener – It's tricky.

Mr. Jensen – And that is where I was going because I know that the National Board -- it is legal next of kin. When they take that test, that's all that's on there. So, I don't know. But I also agree with Ms. Wiener, its the funeral director's responsibility to know the Florida rules of law and it's covered so you know.

Ms. Wiener – It is a question we get every single week, multiple times a week from our clients, because there are always disputes among families, or the church paid and the wife signed the authorization [inaudible], you know there's a lot. We answer that question a lot between the three (3) of us.

Mr. Jensen – Yes. And that was kind of where I was going, so I don't know.

Chair Clark – And we have a motion not to change.

Mr. Jensen – Well, I do agree that it's in the Florida rules and laws. But I don't know if it would help to reiterate it. It's already stated once already.

Ms. Wiener – You could look to open it, I can write some language, and you can always say, no, we don't think we need this, and then put it aside if you don't want to do it later. And I'm happy to try and write some clarifying language because I think

because people have to study for laws and rules, it would be kind of great if this was clear in the rules themselves so that when people studied it, they would know. Because people violate Florida law on this point all day, every day.

Mr. Jensen – And I know it's a big point of contention in our state. So, Mr. Chair, I would humbly like to remove my motion.

Chair Clark – You want to change your motion?

Mr. Jensen – Yes, sir. I would like to change my motion to open this rule for further review.

Chair Clark – Ms. Clay, I believe you seconded. Will you change your second?

Ms. Clay – Yes.

Chair Clark – We have a motion to open this rule and it's been seconded. All those in favor say aye.

Committee members [Unison] – Aye.

Chair Clark – And any opposed? And that motion carries.

(35) 69K-100.035 - Courses of Study; Criteria; Procedures for College or University to Obtain Approval

Ms. Schwantes – The Rules Committee reviewed from last month stand on Page 84. The Rules Committee voted to change this. Committee members at the time made comments as did Ms. Munson about the Type One, Two, and Three courses of study found in (5) are not referenced in the statute, and we need to further check on that to make sure they're appropriate references and there's statutory authority to those. Mr. Beckham also made a public comment at that time regarding a changing of the address which the Department could handle. And then also the rule has multiple definitions of courses of study, but the college has only had two (2) courses of study. So, the point being that there were recommendations to change, and the Committee had made a decision to change the rule.

Chair Clark – Are there any public comments for 69K-100.035? Mr. Beckham?

Mr. Beckham – Howard Beckham. I'd just like to reiterate the change of address. You have that correction, I believe. I'll reiterate that. Under Type Three, [inaudible] course of study, none of the three (3) accredited schools in the state of Florida offer that. So, I don't see why we can't have it, but we don't offer it, so thank you.

Chair Clark – Thank you. Any other public comments? All right. For the Committee, again, we voted to open this. What is the pleasure of the Committee?

MOTION: Mr. Jensen moved that there be no changes from the previous ruling. Mr. Williams seconded the motion, which passed unanimously.

Ms. Schwantes – And as a result the rule will be open.

Chair Clark – Correct.

Ms. Munson – Right.

Ms. Schwantes – Very good. That ended the section on Shared Rules. So, from here on out there are definitely no Department proposals regarding these rules. I do want to thank Ms. Herring for getting these lists for this meeting, so you can see examples of what we're looking at and the changes that we will have to make on the Shared Rules.

G. Board Rules - For Revisit (15 TOTAL)
(1) 69K-21.007 - Responsibility of Funeral Director in Charge

Ms. Schwantes – The Committee review begins on Page 86. The Rules Committee decided change is needed to this rule. Comments were made by Chris Jensen at the last meeting that we need to omit the option of the telephonic response. This is actually a proposal from Mr. Jensen last year that was provided to the Committee before as well. And Ms. Wiener said not sure we can eliminate the telephonic portion option as practicality, but also not sure is even authorized by statute. And then we should do a substantive review as proposed by Ms. Coney. Written comments were received. You'll find those in D Page 4, by Ms. Wiener, and she's here to address questions or whatever. And there is, of course, no proposed rule language from the Department. I'm not even going to mention proposed rule language from Department going forward because these are only Board rules. So, there is no proposal.

Chair Clark – Public comments. Ms. Wiener?

Ms. Wiener – Thank you. The law references the telephonic availability of funeral directors and funeral directors in charge. I think eliminating that concept in its entirety would be incredibly problematic. A funeral director in charge literally must leave sometimes to go somewhere like on a vacation or home for the weekend or to the doctor, et cetera. Also, the concept which does exist in some states are requiring that a funeral director in charge live within a certain radius of the facility, also doesn't solve the problem. The problem is the problem, like, global problem is that our law imposes upon a person a responsibility to ensure and oversee that the funeral establishment operates in a lawful manner and is compliant with state laws and rules. However, our current statutory structure, so this would be something that would require statutory change, our current statutory structure does not contemplate that a funeral director in charge even has to live in the same country as the funeral establishment or planet or ever set foot in the building. If the concept is that there should be a licensee that regularly goes to the facility and regularly oversees what's happening, then you're going to have to make a lot of changes to law and you will not accomplish it by way of this rule because the law doesn't say that at all. So, what you end up with is literally a meaningless statutory obligation. When someone is funeral director in charge, they don't have to go there, they don't have to oversee, they don't have to look over anything, they don't have to sign anything, they don't have to even know the phone number. The only thing that they are good for is generating a fine or discipline if something goes wrong at the funeral establishment. So there is a huge disconnect between the concept that you are trying to have in place, which is funeral director in charge, which means a manager onsite that would oversee things and make sure everything is going well, that could be responsible if something doesn't go well, and what you currently have in your statutes, which simply says every funeral establishment, cinerator facility, et cetera, has to have a stand-in license type just for the point of getting fined when someone gets fined. So, from the perspective of the FCCFA and many of its members and many members of other associations, we believe that the concept of FDIC should be eliminated in its entirety because it actually serves no purpose. Either the funeral establishment is properly run, and it follows the laws and the rules, or it doesn't. But having this sort of strawman license that has to hang an actual paper in the building, and that's the closest it comes to regulating, is not necessary. Now to that end, because so many changes would have to be made to Florida law to actually put the Board in a position of making substantive changes to this rule, FCC does not support opening this rule at this time.

Chair Clark – Thank you, Ms. Wiener. Mr. Williams?

Mr. Williams – Question. Ms. Wiener, maybe you can answer this or Ms. Schwantes. Does the FDIC have to sign any inspection report when the state comes?

Ms. Wiener – No, the funeral director that's there on premises where the licensee signs.

Ms. Schwantes – That is correct.

Mr. Williams – Yes. Okay. And I think I'm going where you are going at Ms. Wiener, I just was trying to understand truly the role or what responsibility outside of the fines that they may or may not have.

Ms. Wiener – None. Zero. Which is why, it is just a strawman license and a way for when something goes wrong, you just can double the fine, because as you know from listening to so many disciplinary cases, the actual funeral director in charge is rarely involved in the actual discipline offense. The people that should actually be disciplined when there is an actual offense should be the facility and the actual funeral director that engaged in the behavior. But so often when something goes wrong in a funeral establishment, that's not who's being penalized. It's the funeral establishment and the FDIC. Every now and again, we catch up with the actual funeral director involved in whatever wrongdoing occurred, but so often it's the FE and the FDIC

and it is literally a meaningless thing. So, either statutes need to be written that create a statutory scheme whereby somebody actually responsible has to, by law, be involved or else it's pointless to have.

Mr. Williams – And Mr. Chair, may I?

Chair Clark – Yes.

Mr. Williams – Ms. Schwantes, I guess this is a question more for you. What is the Division appetite in terms of this here?

Ms. Schwantes – First of all, we're talking, as Ms. Wiener already pointed out, legislative change, if these changes were to be made. We would certainly want to do further research on it. The FDIC is there for individual accountability is what it is. I don't know the history on it, why it was developed. I can almost positively assure it wasn't for double fines. Fines do not make us any money. So, it's not a money-making endeavor, trust me. But the accountability, having somebody, an individual, accountable for problems is a good deterrent that we still believe in. We certainly appreciate the position and understand what you're saying on it. Part of the problem in our book is that the owners are not accountable if they're not licensed. And I don't know if that's something that in looking at this –

Ms. Wiener – I mean, the owners own funeral establishments and so they are accountable because it's their funeral establishment.

Ms. Schwantes – But again, it's not an individual. But we are digressing. So, Mr. Williams, if you are coming up to talk about that, I appreciate your promise, but this is still legislative stuff that we would have to raise up.

Mr. Bill Williams – This goes back so many years when you had local ownership of funeral homes, and the owner was also the funeral director in charge. That's how many years goes back, and those days are gone, so that's what the history of it is.

Mr. Williams – Okay. I don't want to go down the rabbit hole. I appreciate that Ms. Schwantes. I was just trying to gather my mind around it and, you know, if there's something that we do need to open, but thank you for the feedback. I'm good.

Chair Clark – Thank you. Mr. Jensen?

Mr. Jensen – Yes. And what I was getting at about what I said is trying to basically what has already been said here, and there's some smart people in this room, we've just got to figure this out. I'm trying to eliminate this rent a license, so to speak. It's not fair to the consumer, it's not fair to the profession. So, we got to figure this out. And I don't know how to do it if it takes a deep dive into the legislative stuff. Ms. Munson is available and ready to go, so let's do it. We got to get this off because it has hurt a lot of people with how these things are going. And I do agree with the FDIC thing, and I know there's some possible legislation coming on that to possibly eliminate that and maybe we wouldn't even be having this discussion. But that's the same place I was going.

Chair Clark – Are there any other public comments?

Ms. Munson – I just wanted to confirm that the designation of the two (2) hour requirement. It seems arbitrary but I just –

Ms. Wiener – Yes. So much of the language in this rule is arbitrary and dates back to, you know, the early 90s even before the statute change. So, this came over here to this Board from the Board of Funeral Directors and Embalmers.

Ms. Munson – And I get it, and I get it. We don't want to open it, but do we want to have a violation for that? I mean, I'm just curious is what I'm saying.

Mr. Jensen – Well, and when I said removing the word telephonically, I understand people have to be gone and so forth. But what can we put there in its place? I like the two (2) hour -- and that's why I said, well, maybe the FDIC needs to live within seventy-five (75) miles of facility because I know FDICs that are living ten (10) hours away from where they're FDIC of, and how is that possible? I mean, and like Ms. Wiener said, some of them are even out of state. They just happen to be licensed in

Florida and that's just not a good thing, not a good road to go down. So, you're right on the two-hour thing, I actually had forgotten that. So that's actually a good plan.

Ms. Wiener – There is always the potential for legislative changes on lots of things. If this rule is opened, I fear that the lack of specificity and direction set forth in Chapter 497 will make it very hard to write a meaningful rule that will do what is really intended by the concept, which is to create accountability. Again, that's why we didn't recommend even opening this rule at this time. And this is a long process. So, this is one of those things where if legislation changes things in this coming session, you've still got more years on this process. If legislation changes the requirements of FDIC, of course you're going to have to revisit this and write new rules about it.

Ms. Munson – And again, my final comment is that's perfectly understandable. I'm just making the Committee and the Department aware that for the purposes of SB108, you are signing off on the fact that you are holding individuals accountable to this two-hour follow up and whatnot. If you're not doing that, I just don't want there to be an appearance of "Well, we see that's there, we don't agree with it, but." So that was my main point.

Ms. Schwantes – We currently do that.

Ms. Munson – You do? So, there's a violation of that. Okay. That's what I was trying to confirm.

Mr. Jensen – The two-hour thing applies to either in person or telephonic.

Ms. Munson – I get it.

Mr. Jensen – So, they got two (2) hours to get ahold of them telephonically. And that's where I came in and said, well, let's get rid of the word telephonically. They need to be able to get ahold of somebody at that funeral home within the two-hour period, whether it be the FDIC or a licensed funeral director. And in my opinion, I don't know exactly how to fix it to appease everybody, but I'd like to have it fixed. So, as far as what we're doing here today, I guess Ms. Munson will have to tell us, do we open it, or do we leave it shut?

Ms. Wiener – So, the telephonically concept that we're talking about says that reasonably available, which the FDIC has to be, means in a position to be notified of persons entering the establishment, to respond to them in person or telephonically within two (2) hours to set up an appointment for a face-to-face meeting with them during normal business hours. That is not enforced.

Ms. Munson – That's why I was curious.

Ms. Wiener – Not at all. Funeral directors in charge do not live in Florida or anywhere near [inaudible].

Mr. Jensen – So, they're not meeting with them face to face.

Ms. Wiener – They're not and honestly, that goes beyond the delegated legislative authority. That is nowhere in the statute that a funeral director in charge has to meet face to face with any human being at a funeral establishment that they oversee.

Mr. Jensen – You are correct.

Ms. Ellen Simon – Ms. Wiener, what were you saying about it's not being enforced -- the two (2) hours are not being enforced?

Ms. Wiener – Within two (2) hours to set up an appointment for a face-to-face meeting with a member of the public and the FDIC?

Ms. Simon – When I review the rule, I don't have it in front of me, but does the rule actually say with the FDIC?

Ms. Wiener – Yes.

Mr. Jensen – Yes. So, we got to open that up because any licensed funeral director can meet the family anywhere in the state.

Ms. Wiener – Well, and what if I have COVID? What if I'm FDIC? What if I broke my legs in a car accident?

Mr. Jensen – Well, you only got two (2) hours to set up that meeting and say, "Hey, I got the COVID, and I'll see you in ten (10) days."

Ms. Wiener – The language of the rule is arcane, and if you're going to open it for the purpose of making sure that it meets statutory criteria that currently exists, you could certainly do that. But I think it waters down the rule even more than it's already watered down.

Mr. Williams – So Mr. Chair, may I?

Chair Clark – Yes.

Mr. Williams – My only thing is I would love to open up the rule, however, I would like to go where I believe Ms. Schwantes was going with strengthening the FDIC's responsibility to put more teeth in it and that's where I was going with it by opening the rule, but I know this is not the place to do that.

Ms. Schwantes – Any changes to FDIC responsibility would need to be made by statute.

Mr. Williams – Okay.

Chair Clark – I'll say it differently. I think if we do open this rule, the scope of what we can change is very limited.

Mr. Williams – Right. Okay.

Chair Clark – Would you agree with that Mr. Jensen? If we open it, we're really just talking about some –

Mr. Jensen – I do agree that it's legislative. And I would certainly like to hear Ms. Munson's, you know, suggestion on this. I want to change for sure because there's some big problems here. However, I don't know if it's within our scope to be able to do that. So maybe we're just beating a dead horse.

Chair Clark – If we open it, we would be limited to only within 21.007.

Mr. Jensen – Yes. And that's what I agree with. And if Ms. Munson, if you agree with that, I'll make a motion to not open it.

Ms. Munson – That statement is an accurate statement. I did not know the language in this rule is currently enforced. So that's what is my light bulb. So, but if it is, then –

Ms. Wiener – Definitely not.

Ms. Munson – No. [Inaudible]

Ms. Simon – So, my interpretation of this rule has always been that a funeral director in charge is responsible for ensuring that there is a licensed funeral director available. And that licensed funeral director must be in the position of entering the establishment, responding to them in person or telephonically. That's always been my interpretation of this rule. I mean, that –

Ms. Schwantes – And our investigators are looking at that.

Ms. Simon – Yes. And that's what our investigators look at. You have to read them in tandem. Number one says that a full-time funeral director in charge must be responsible for making sure a licensed funeral director is available. And then also in a position to be notified a person without hearing the establishment to respond to them in person or telephonically. And that would be a licensed funeral director. That is what our division is enforcing.

Ms. Wiener – And I guess the question becomes then, what is the purpose of having a funeral director in charge if their responsibility, pursuant to this rule, is just to make sure that there's another funeral director available?

Ms. Schwantes – That's not the only responsibility, but at the same time, what you've said before, if you're going to make changes to the funeral director in charge aspects, it's going to have to be made statutorily.

Ms. Wiener – I think this is the actual only rule on the responsibility of funeral director in charge.

Ms. Schwantes – It may be, but it's not the only statute that's for sure.

Ms. Wiener – No, but the statute is saying less about what a funeral director in charge has to do, which is why we find ourselves where we find ourselves. If you're going to build a statutory scheme that obligates a licensee to actually be in charge of a funeral establishment, then build that statutory scheme. Don't just make them responsible in name only. Actually, make them go and be responsible or get rid of it all together.

Ms. Simon – Ms. Wiener, I don't think that that's what the rule says. I think that it's not a name only. If a funeral director in charge is responsible for making sure a licensed funeral director is available, that's their responsibility under this rule. I don't know that the Board has said that shouldn't be the role of a funeral director in charge.

Ms. Wiener – I hear what you're saying.

Chair Clark – I agree, there's not much said on funeral director in charge, but (2)(a) says a lot. It says that it's a licensed funeral director who's responsible for day-to-day operations of a funeral establishment. It is a big responsibility. And I just want to clarify something that Ms. Simon said. I read about responding in person or telephonically within two (2) hours to set up an appointment for a face-to-face meeting with them. I think that is with the FDIC not I'll have you meet with the funeral director. You're saying it would be them just coordinating, it could be another licensee.

Ms. Simon – That's the way I've always interpreted. I'm not –

Ms. Wiener – If the language is –

Ms. Simon – I don't know that I'm speaking for the Division. I'm talking about my experience right now. The way I've always interpreted that rule is that a licensed funeral director is responsible (a) for the day-to-day operations of the funeral home, but (b) is responsible for making sure that somebody, a funeral director is available to the public. I mean, that's the way I have interpreted it. Not necessarily that the licensed funeral director needs to come there or needs to set up an appointment with them. It's the licensed funeral director.

Chair Clark – And the way I read it is that you're setting up a meeting with someone from the public with the FDIC. So that's just interesting.

Ms. Wiener – And the fact that all of us, with all of this experience and the regulator and all the lawyers sitting in here in this room are struggling to understand, would mean that JAPC would hate this rule because it is very uncertain, if I'm guessing. But yes, until there is meaningful statutory change, I think that opening this rule will be an exercise in futility.

Chair Clark – We do have a motion for no change.

Mr. Williams – Second.

Mr. Jensen – Based upon Ms. Munson saying basically what Ms. Wiener just said.

Ms. Munson – [Inaudible]

Mr. Jensen – No. Do you agree with what she just said about the state?

Chair Clark – She did agree with what I said about we're limited to what's in this.

Ms. Munson – That's very true.

Mr. Jensen – Then yes.

Chair Clark – Okay. We have a motion and it's been seconded. Any further discussion?

Ms. Schwantes – Just to clarify, this is a motion to change what you previously said so that there will be no change to this, and it will not be open.

Chair Clark – Correct. All those in favor say aye.

Committee members [Unison] – Aye.

Chair Clark – Any opposed? And that motion carries.

(2) 69K-33.001 - Requirements Regarding Handling and Storing of Human Remains

Ms. Schwantes – Page 89 is where you'll find the results of the Rules Committee review from last month. The Rules Committee established there should be change to this. There was a lot of proposed language added. Mr. Jensen had previously proposed that, and Mr. Clark agreed. There were also suggestions of possible changes to refrigeration at 43 degrees. I think we already discussed that some of that was actually statutory. And written comments were received on his. You'll find those on Exhibit D, Page 4. And that was submitted by Wendy Wiener.

Chair Clark – Further comments?

Ms. Wiener – Very limited comments, which is just that this probably needs to be opened and further reviewed.

Chair Clark – Any other verbal comments? Hearing none.

MOTION: Ms. Clay moved that there be no changes from the previous ruling. Chair Clark seconded the motion, which passed unanimously.

(3) 69K-2.003 - Other Official Board Business

Ms. Schwantes – The Rules Committee review is on Page 91. The Rules Committee previously decided to change this rule. Comments were made by Mr. Jensen, who actually is suggesting that a subcommittee could look at the issues more closely, discuss [inaudible] examinations. And Ms. Coney made comments regarding the Florida Laws and Rules Exam is not necessary. That would be a statutory change. And our counsel, Kimberly Marshall, proposed that if that is the issue, whether or not Florida Laws and Rules Exam is provided that's a statutory change and we should perhaps wait pending outcome of any changes to those. No written comments were received. That's where we are.

Chair Clark – Public comments? 69K-2.003. Hearing none.

Mr. Jensen – What's our vote here, Mr. Chairman?

Chair Clark – We voted to change. And just for the Committee's consideration, we focused a lot on (5), which states “all activity of Board members, if authorized by the Board when grading, proctoring or reviewing examinations given by the Department”, and I think some of the comments were, the Board doesn't do that any longer.

MOTION: Mr. Jensen moved that there be no changes from the previous ruling. Ms. Clay seconded the motion, which passed unanimously.

(4) 69K-5.0015 - Preneed Licenses

Ms. Schwantes – The Rules Committee review is found on Page 93. Prior vote on this was that there should not be any change. There were no comments from the Committee members. There were comments made by Ms. Wiener and those are reiterated, to some extent, in her written comments, which are in Addendum D, Page 4.

Chair Clark – Public comments?

Ms. Wiener – I actually suggested rule language change here to strike the words in the case of not-for-profit corporations, 50% common stock or common membership. The law does not draw any distinction around not-for-profits. I'm not sure. I think we kind of went around and around on where this language might have come from, but wherever it came from, there is no distinction in the law for not-for-profits. And common membership would actually be a more appropriate reference to ownership in an LLC structure, which has members and nonstop holders. So, striking those words, I think the Board should be open to strike those six (6) words.

Chair Clark – Thank you, Ms. Wiener.

Ms. Schwantes – As a reminder, the prior vote was no change.

MOTION: Mr. Jensen moved to open this rule. Chair Clark seconded the motion, which passed unanimously.

(5) 69K-5.0024 - Remittances to the Regulatory Trust Fund

Ms. Schwantes – The Rules Committee review is found on Page 95. The Committee previously voted for no change to this rule. There were no Committee member comments. Public comments were received primarily from Wendy Wiener and Lisa Coney and also Lauren Pettine, regarding the last sentence in (3). No written comments were received.

Chair Clark – Any public comments? 69K-5.0024. Hearing none.

MOTION: Mr. Jensen moved to open this rule. Mr. Williams seconded the motion.

Ms. Wiener – Can I ask what we're looking at in the rule?

Mr. Jensen – Yes, 69K-5.0024, the last sentence I tend to agree with because of the language regarding refund suggests that regulatory trust fund fee could be charged to a customer.

Ms. Wiener – Which actually appears to have been the intent.

Mr. Jensen – Right. But it shouldn't be. If there's going to be a fee, Mr. Williams could better answer this, but I know I got charged plenty of fees by his company. And then we didn't go to the consumer. I might have passed it along, but it was charged to me, the entity.

Chair Clark – That's what I thought. I thought Ms. Pettine said that it ties to a statute in 2009.

Ms. Wiener – I feel like the law was changed that said that this could be passed on to the consumer. We were all shocked because when I originally came to the podium, I said, you can't charge a fee to the consumer. That's bananas.

Mr. Jensen – That's what I thought.

Ms. Wiener – And then I think Lauren found that it's actually in the statute now that that fee can be passed on.

Mr. Jensen – Oh wow. You just made a lot of people a lot of money.

Ms. Wiener – Well, nobody does it.

Mr. Jensen – Well, it won't be long.

Ms. Lauren Pettine – Part of the reason that we didn't end up submitting written comments is that when we discussed this in the previous meeting, we took a look at 497.453(6), which doesn't [inaudible]. I think the entire industry assumed up until this point that it was illegal because it previously was via a former version of this regulation. I don't know that we need an opinion one way or another on whether you want to continue the language as it stands now, which does appear to allow passing this fee along. Or if you want to make adjustments [inaudible], so that the industry understands it.

Ms. Wiener – So, what Lauren is saying is the law does not prohibit passing it along, creating a rule which prohibits passing it along might fail scrutiny. Currently, the law permits passing it along, but in the event of any cancellation requires a particular treatment of that fee. I don't believe that anyone has started charging that fee since our last meeting. I don't know that anyone will ever pass along the Regulatory Trust Fund fees, but I don't think the law prohibit you from doing so.

Mr. Jensen – So, do we need to open it?

Ms. Wiener – I don't think so.

Mr. Jensen – We don't need to change that last thing?

Ms. Wiener – No, I think we ended up coming back around to no change.

Ms. Schwantes – No change.

Chair Clark – We do have a motion and a second. Are you changing your motion?

Mr. Jensen – Yes, I'll change the motion to no change.

Mr. Williams – I agree.

Ms. Schwantes – We had a before no change.

Chair Clark – So, we have a motion for no changes. It's been seconded. All those in favor say aye.

Committee members [Unison] – Aye.

Ms. Schwantes – Not open.

Chair Clark – Not open.

Ms. Schwantes – And that was 5.0024, correct?

Chair Clark – Yes.

(6) 69K-6.001 - Grave Spaces; Definition Limited

Ms. Schwantes – Page 97 has results of the Rules Committee review last month. It was voted that there would be change needed. Primarily were comments from Mr. Jensen and Ms. Munson during the meeting that the rule be repealed with language combined with this rule as may be necessary from 69K-6.0015, which is the next rule coming up. And Ms. Coney supported repeal and Ms. Munson said we may need to check statutory reference, which we have not done. We've not done a statutory review for this meeting. So again, change was voted last time.

Chair Clark – Public comments?

Ms. Wiener – Yes. FCCFA recommends repealing the rule. It literally just reiterates what's in the statute. It doesn't advance any additional information or provide any additional guidance. So, this one and the next one, 6.0015 [inaudible], these are statutorily defined terms, and we don't need a rule that says what the statute says.

Chair Clark – And I'll agree.

MOTION: Chair Clark moved to open this rule. Mr. Williams seconded the motion, which passed unanimously.

Chair Clark – Ms. Schwantes, the difference here is that I think the Committee wants to repeal versus change the language. That doesn't change our process, right?

Ms. Schwantes – No, we can change it on the next review. The goal here is to find out how many need to come back again for detailed review and proposed onwards, which can be a complete strike through.

(7) 69K-6.0015 - Definition of Established Adult Grave Space

Ms. Schwantes – Again, the Committee reviewed and found change was needed. It actually suggested repeal would be needed. These questions were developed by SB108, and we specifically asked them in the way that they are in SB108. It gets confusing and we know that. And so, we thank you guys for all this. So, it may state change, it may also state appeal as a result. Again, the comments were made about repealing the rule. Ms. Coney supported that the rule serves no purpose. Written comments were received on Exhibit D4 from Ms. Wiener. She's here.

Chair Clark – Ms. Wiener?

Ms. Wiener – Same comment, support repeal.

Chair Clark – And for the Committee, we also voted to repeal this last meeting.

MOTION: Chair Clark moved that there be no changes from the previous ruling. Mr. Williams seconded the motion, which passed unanimously.

(8) 69K-6.0016 - Definition of Developed Area

Ms. Schwantes – The Committee's review from last month is found on Page 100. The Committee voted to change this rule. Comments were made about removing the reference to 69K-6.0015 as you plan to repeal that one. So, this would need to be open if we're going to do that. And also, to add a reference to another statute, Ms. Coney suggested that the word "adult" needs to remain in the rule. And there were written comments received from Ms. Wiener found on Addendum B, Page 5.

Chair Clark – Public comments?

Ms. Wiener – We recommended a change from four (4) to ten (10) spaces as a reference to the number which would simply provide greater flexibility for cemeteries when establishing small sections where they have space to establish a small section.

Mr. Jensen – I don't understand that.

Ms. Wiener – So right now, Rule 6.0016 currently says the addition of four (4) or less spaces at any one time within or contiguous to a section or garden, which has [inaudible] internal reference markers, that is going to be considered a developed area. So, what we were trying to accomplish with this change in language is that that would broaden that from rather than four (4) or less, it would be ten (10) or less other than four (4) or less.

Mr. Jensen – So, you're saying that four (4) spaces with corner markers is considered to be a section? Or can be considered to be a section. Is that what you're saying?

Ms. Wiener – For purposes of this rule, the following will be considered a developed area and that includes four (4) or less spaces. So that's unusual. And so, if we make that a bigger number, then now we're really talking about a developed area as opposed to just adding a space here and there.

Ms. Munson – Was that ten (10) arbitrary? How did you come up with that?

Ms. Wiener – Lisa Coney came up with that. So, I can't say.

Mr. Jensen – Well, that's sort of what I'm worried about. Is that going to hurt the small-time cemetery owner?

Ms. Wiener – I would say that in this particular situation, and I don't remember what your vote was last time, but you could leave your vote to change and then this can be further explored at the next meeting. Because I can't really speak to where we came up with that number. But you already voted to change it, so we support the opening of that rule.

MOTION: Mr. Jensen moved that there be no changes from the previous ruling. Mr. Williams seconded the motion, which passed unanimously.

(9) 69K-6.002 - Care and Maintenance of Existing Cemetery

Ms. Schwantes – This is a very brief rule. It is a one sentence rule. The Committee's review is found on Page 101. The Committee voted for change to this rule saying it's redundant to Section 497.005(11). Ms. Coney agreed to the redundancy. And so, I believe we were looking at a repeal of this rule.

Ms. Wiener – FCCFA supports that.

MOTION: Mr. Jensen moved that there be no changes from the previous ruling. Chair Clark seconded the motion, which passed unanimously.

(10) 69K-6.004 - Safekeeping of Records

Ms. Schwantes – The Committee's review from last month is found on Page 103. The Committee voted for change on this. The comments were that it needed to be updated as to Information Technology and language. This is not a shared rule, so this is not something that the Department is proposing changes to, but certainly if there are technological changes, can be something that we coordinate with the Board. Written comments were received on this from Ms. Wiener. They are held in Addendum D, Page 5.

Ms. Wiener – FCCFA supports opening. It's to make the rule modern.

Ms. Munson – To make it what?

Ms. Wiener – More modern. It's about safekeeping of records and it doesn't contemplate all the ways that you can maintain records securely now like cloud storage, etc.

Chair Clark – Yes, I made the same comment. It refers to diskettes, optical discs, tape and microfilm. So, I think this one could be updated.

Ms. Munson – Just keep in mind though when opening it for that purpose and it's a good purpose, that you're not probably going to be able to list exclusively or all inclusively all these various ways. So, some might be left out and you don't want that to be [inaudible].

Ms. Wiener – Sure. I can't help but wonder if we can make language about permanence and security and things. Use all the right words.

Ms. Munson – Vague. Be careful with that. Just keep in mind you're not doing language right now.

Ms. Wiener – Come together we might make [inaudible].

Ms. Munson – Okay. Not the day for it, but it's just important to keep in mind, because I know you are going to work on language. Thanks.

Chair Clark – And I'll just add the comment I made previously; it's trying to define what secure means. So, I do think there's a way to modernize that. Make it more relevant. And again, we did vote previously to change.

Ms. Schwantes – Correct.

MOTION: Mr. Jensen moved that there be no changes from the previous ruling. Ms. Clay seconded the motion, which passed unanimously.

(11) 69K-6.0051 - Accounts Receivable Records

Ms. Schwantes – The Rules Committee review begins from last month, begins on Page 104. The Rules Committee voted to change this rule. No public comments were received. The written comments were received. I'm sorry. Mr. Clark recommended updates to requirements in subparagraph one concerning serial numbers appeared outdated and there were no public comments at the prior meeting.

Chair Clark – Any public comments? I'll add that I think by the end of our discussion last time I took my comments back.

Mr. Jensen – So you're in favor of?

Chair Clark – Keeping it as is. I was referencing the serial numbers matching on the contract and I don't know.

Ms. Schwantes – So, you want there to be no change to the rule?

Chair Clark – I just wanted to clarify because it said that I said that it should be open. My vote would be to change our prior ruling and to not open this rule. And I'll make that as a motion.

MOTION: Chair Clark moved change the prior ruling and to not open this rule.

Ms. Munson – Discussion?

Chair Clark – Sure.

Ms. Munson – The way it reads now, is that accurate?

Chair Clark – Yes.

Mr. Jensen – Yes.

Ms. Munson – Okay. Assign the same serial number is accurate. Okay. You had a second?

Chair Clark – Did anybody hear a second? I'm sorry.

Mr. Jensen – Yes.

Chair Clark – Thank you. Mr. Jensen. We have a motion and a second to change and not open this rule. It has been seconded. All those in favor say aye.

Committee members [Unison] – Aye.

Chair Clark – Aye. And any opposed? And that motion carries.

Ms. Schwantes – And not open that rule.

Chair Clark – Correct.

(12) 69K-6.0054 - Written Contracts Required

Ms. Schwantes – Page 106 contains the Rules Committee's review from last month. The Rules Committee voted to change this rule. This had to do with updating and review regarding sales journals and update as needed regarding the other terms, and Mr. Jensen suggested that. Ms. Coney, asked a question, are we currently keeping sales journals? Written comments were not received. And that's where we are.

Chair Clark – Any public comments 69K-6. 0054. Hearing none.

Mr. Jensen – We already voted to open it. Correct?

Chair Clark – We previously voted to open. If I recall it was around the term sales journal and whether people are still doing that.

MOTION: Mr. Jensen moved that there be no changes from the previous ruling. Mr. Williams seconded the motion, which passed unanimously.

(13) 69K-6.007 - Criteria for Burial; Disinterment; Reinterment

Ms. Schwantes – The Rules Committee's review is found on Page 108. The Committee voted to change this rule. Comments were made regarding the fact that the price disclosure sheet is no longer called this. Some updates to technology, and that was raised by Board counsel Munson and Mr. Clark. No public comments received in writing. That's where we are.

Chair Clark – Any public comments for today's meeting? Hearing none.

MOTION: Ms. Clay moved that there be no changes from the previous ruling. Mr. Jensen seconded the motion, which passed unanimously.

(14) 69K-6.008 - Minimum Standards for Interment

Ms. Schwantes – The Rules Committee's review is found on Page 110. The Rules Committee voted to change and repeal this rule saying it was redundant to Section 497.284. There are no public comments supporting that. No public comments received in writing.

Ms. Wiener – FCCFA does support that. I just failed to put that in my comments.

Chair Clark – Any other public comments? Okay. We previously voted to open.

MOTION: Mr. Jensen moved that there be no changes from the previous ruling. Ms. Clay seconded the motion, which passed unanimously.

(15) 69K-6.009 - Identification Tags – Acceptable Materials, Locations, and Methods of Affixing

Ms. Schwantes – The Committee's review from last month begins on Page 113. The Committee voted to change this rule primarily to revisit to consider what types of electronic tags are used adding the barcodes, or in other words, modernize. Mr. Clark suggested that. Ms. Coney also suggested possible language for it that would minimize the amount of language but make it more continuous for this rule. Written comments were received from Ms. Wiener and are found on Addendum D, Page 5.

Chair Clark – Any other public comments for 69K-6.009? Ms. Wiener, anything further?

Ms. Wiener – No. We provided suggested changes there and he may touch this up [inaudible].

Chair Clark – Thank you. Mr. Jensen?

MOTION: Mr. Jensen moved that there be no changes from the previous ruling. Chair Clark seconded the motion, which passed unanimously.

H. Summary Regarding Meeting Results and Future Plans

Ms. Schwantes – So going forward, it looks like we have to open fifteen (15) from the Shared Rules. We'll double check. {Inaudible} but fifteen (15) will remain open from the Shared Rules and twelve (12) remain open from the Board Rules, so that's a total of twenty-seven (27). Am I adding up right?

Ms. Munson – I had sixteen (16) for Shared. Do you mind if we call the rule numbers out?

Ms. Schwantes – No, not at all. And again, we can go back through this. 69K-5.0025?

Ms. Munson – Yes.

Ms. Schwantes – 69K-5.012?

Ms. Munson – Yes.

Ms. Schwantes – 5.0125?

Ms. Munson – Yes.

Ms. Schwantes – 9.001?

Ms. Munson – Yes.

Ms. Schwantes – 17.0036?

Ms. Munson – Yes.

Ms. Schwantes – 18.001?

Ms. Munson – Yes.

Ms. Schwantes – 18.002?

Ms. Munson – Yes.

Ms. Schwantes – 18.003?

Ms. Munson – Yes.

Ms. Schwantes – 20.001?

Ms. Munson – Yes.

Ms. Schwantes – 21.009?

Ms. Munson – Yes.

Ms. Schwantes – 22.007?

Ms. Munson – Yes.

Ms. Schwantes – 23.001?

Ms. Munson – Yes.

Ms. Schwantes – 23.003?

Ms. Munson – Yes.

Ms. Schwantes – 24.040?

Ms. Munson – Yes.

Ms. Schwantes – 31.001?

Ms. Munson – Yes.

Ms. Schwantes – And 100.035. And I think I know where it is. No, I didn't.

Ms. Wiener – Was it 0025?

Ms. Schwantes – 0025?

Ms. Munson – Yes. I have sixteen (16).

Ms. Schwantes – Sixteen (16).

Ms. Wiener – And then can we count the Board rules?

Ms. Schwantes – On the Board rules open, 33.001?

Ms. Munson – Yes.

Ms. Schwantes – 2.003?

Ms. Munson – Yes.

Ms. Schwantes – 5.0015?

Ms. Munson – Yes.

Ms. Schwantes – 6.001?

Ms. Munson – Yes.

Ms. Schwantes – 6.0015?

Ms. Munson – Yes.

Ms. Schwantes – 6.0016?

Ms. Munson – Yes.

Ms. Schwantes – 6.002?

Ms. Munson – Yes.

Ms. Schwantes – 6.004?

Ms. Munson – Yes.

Ms. Schwantes – 6.0054?

Ms. Munson – Yes.

Ms. Schwantes – 6.007?

Ms. Munson – Yes.

Ms. Schwantes – 6.008?

Ms. Munson – Yes.

Ms. Schwantes – And 6.009?

Ms. Munson – Yes.

Ms. Schwantes – Did you come up to twelve (12)?

Ms. Munson – Yes. A total of twenty-eight (28).

Ms. Schwantes – I was one off. But that's why I would always need to double check.

Ms. Munson – Yes, thank you.

Ms. Schwantes – Just to let you all know, I will listen to the recording again from today. And again, especially public comments before going forward. Before the September Board meeting, the only thing that will be presented to the Board is the results of last month's meeting, the five-year plan and the minutes of course. So, what has been decided today, the rules that have no changes will not go before the Board in September. We'll do that a subsequent month because again, we're working now on what's needed for the January 1st report. With the Committee's permission we would like to plan to break these up, the twenty-eight (28) rules, and probably do it in two (2) meetings, fourteen (14) rules per meeting.

Chair Clark – That's fine with me.

Ms. Schwantes – Okay. And by videoconference?

Chair Clark – Yes.

Ms. Schwantes – With the proposed language due at least two (2) weeks before, and we'll have to get together on the meeting dates, but at least two (2) weeks before we do the meeting dates because they would need to be included in the packet. The packet has to go out a week in advance of the meeting.

Chair Clark – Yes.

Ms. Munson – So, fourteen (14) different rules for the September meeting?

Chair Clark – That's for the next Rules meeting.

Ms. Munson – Okay. Thank you. I missed that. I'm sorry.

Ms. Schwantes – No, ma'am. We have not picked the date.

Ms. Munson – Okay, thank you.

Ms. Schwantes – I'll call or email or whatever and give you all that. Actually, Committee members can send me their available dates for say mid-September for the next meeting.

Chair Clark – I have a lot of free time right now so I'm good.

Ms. Wiener – In the extent that FCCFA is sending proposed language, I am out of the country for the next two (2) weeks. I won't be back until the 8th. So, if you make those comments due before then, like if you set a mid-September meeting, you're not going to get comments that you're going to want.

Ms. Schwantes – Okay. So, we would be looking towards the end of September for the next videoconference Rules Committee meeting. Please, everybody that's concerned, email me your available dates and we'll go from there.

Mr. Jensen – You did say videoconference, right?

Ms. Schwantes – Videoconference.

Mr. Jensen – That makes it a lot more convenient. Thank you for that.

Ms. Schwantes – The only concern I have is that going through these, I want to try to get these done before the November meeting because if in going through the next round, the Committee ends up no change after all on some of these, that needs to be reported on the January 1st report, so I've got to be able to get to the Board in December with them. It's going to be another tight timeframe, so if we can aim for one (1) meeting in September and one (1) in October, I think we'll make it. Again, fingers crossed, no weather conditions.

Ms. Munson – And may we confirm for the purposes of this meeting that we've done all we needed to do for the October 1st deadline?

Ms. Schwantes – All that the Committee needs to do for the October deadline has been done. It now goes to the Board for approval at the Board meeting and fingers crossed there are enough Board members here present already that can help carry that vote.

Ms. Munson – Thank you for that confirmation.

Ms. Schwantes – Thank you for asking. So that concludes the Summary Regarding Meeting Results and Future Plans and now we're at the Chair's Remarks.

I. Chair's Remarks

Chair Clark – I just want to thank again the Committee members, and I know we're somewhere on a tight schedule. Thank you for your time and preparation. Thank you for the Division for keeping us organized because no one's done this before, and it was very helpful to prepare materials. And thank you again to Ms. Weiner and her team for the written comments, we appreciate it.

J. Adjournment

Chair Clark – I just want to thank again the Committee members; I know we're somewhere on a tight schedule. Thank you for your time and preparation. Thank you for the Division for keeping us organized because no one has done this before, and it was very helpful with the prepared materials. And thank you again to Ms. Wiener and her team for the written comments. We appreciate it. That's all I have.

Ms. Schwantes – It's adjourned.

Chair Clark – Meeting is adjourned.

The meeting was adjourned at 2:31.