MINUTES
BOARD OF FUNERAL, CEMETERY, AND CONSUMER SERVICES
RULES COMMITTEE MEETING
(ANDREW CLARK, CHAIR – SANJENA CLAY – CHRIS JENSEN – DARRIN WILLIAMS)
VIDEOCONFERENCE MEETING
AUGUST 6, 2026 – 10:00 A.M.

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

Mr. Andrew Clark – Good morning, everyone. Thank you for joining us. I will call the meeting to order, and then I'll turn it over to Ms. Schwantes.

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 Thursday, August 6, 2026, and it is approximately 10:00 AM. This is a public meeting of the Rules Committee for the Board of Funeral, Cemetery, and Consumer Services. This meeting is being held via video conference. Notice of this meeting has been duly published in the Florida Administrative Register. An agenda for the meeting and the meeting materials have been made available for all interested persons. Both the link and call-in number are on the agenda, which has also been published on the Division's website and made available to the public. Ms. LaTonya Bryant is recording the meeting and minutes will be prepared.

The purpose of the meeting is to conduct the business of the Rules Committee. Specifically, the Committee will continue its consideration of any rulemaking that may be required as a result of the passage of Senate Bill 598, which was titled Funeral, Cemetery, and Consumer Services 2026. The effective date of the changes made by Senate Bill 598 was July 1, 2026. The recommendation of the Committee, based upon its June meeting, as approved by the Board later that month, is that seven (7) rules require changes as a result of the passage of this bill. Those seven (7) rules will be discussed today.

As a general rule, please do not utilize your video camera for the meeting unless you are a Committee member, Board counsel, or an authorized Division employee. At this meeting, public comments will be taken during the review of each rule being discussed. Comments should be limited only to that particular matter at that time and ultimately only to the issues which are listed in the agenda, or which may be further discussed by the Committee. Do not use the waive hand or the chat feature of GoTo Meet to make comments or be recognized by the Committee Chair. Instead, please turn your video camera option on when we reach the agenda item on which you want to be heard and raise your physical hand to be called upon, then turn your video camera option off again as soon as your matter has been addressed by the Committee. After comments have been received from those attending with video cameras, we will ask if there are any public comments from those attending by phone. In this way, we hope that all who want to be heard on an issue can be recognized by the Committee Chair to express their concerns.

As always, we need everyone on the call who is not speaking to place their phone or audio feed on mute. The ambient noise coming from someone's phone or audio which is not muted causes severe disruption to the meeting. If you are not muted, you may be muted by Division staff and as a result, you may need to call back into the meeting because that may be the only way to unmute your phone. Also, if you are using your computer or smart phone for your audio feed, please remember to speak directly into the microphone on your device. To do otherwise negatively impacts the recording of this meeting. Just as in a live meeting, persons speaking are requested to identify themselves for the record each time they speak. 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 and acknowledged by Chair Clark before they speak.

At this time, I'll call the roll. Committee Chair Andrew Clark?

Chair Clark – Here.

Ms. Schwantes – Sanjena Clay?

Ms. Sanjena Clay – Present.

Ms. Schwantes – Chris Jensen?

Mr. Christian Jensen – Present.

Ms. Schwantes – Darrin Williams?

Mr. Darrin Williams – Present.

Ms. Schwantes – Mr. Chair, there is a quorum for the business of the Committee. But for our records, I also need to do a roll call of other members of the Board to confirm if they are attending the meeting in the audience. Jill Peeples?

Ms. Jill Peeples – Present.

Ms. Schwantes – Thank you, ma'am. David Chapman? Hearing none. Todd Ferreira? Hearing none. Ken Jones? Hearing none. Janis Liotta? Hearing none. Bill Quinn? Hearing none. Mr. Chair, should I continue on to the next item on the agenda?

Chair Clark – Yes, please. Thank you.

Ms. Schwantes – Thank you.

B. Action on Minutes

(1) June 12, 2026

Ms. Schwantes – The minutes from the June 12, 2026, Rules Committee meeting are included in your packet. I'd like to point out that the actual report and recommendations from the June meeting were already approved at the June Board meeting. This had to be done before the report could be submitted to the Committee to meet statutory requirements for filing a Notice of Rule Development on the seven (7) rules to be discussed today. However, the minutes from that meeting were not ready in time for the Board meeting, so they are presented here today for Committee action. Committee action is needed on this matter. As soon as the Committee approves the minutes, they will be presented to the Board at its September meeting for review and Board action. Mr. Chair?

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

C. Overview of Reference Materials Provided to Committee

(1) Report and Recommendations from Meeting on June 12, 2026
(2) Senate Bill 0598ER
(3) Section 120.54, Florida Statutes
(4) Section 120.5435, Florida Statutes
(5) Updated Designation of FCCS Rules (May 2025)
(6) Chapter 69K, Florida Administrative Code

Ms. Schwantes – This is the overview of reference materials provided to the Committee. These are reference materials for the Committee's possible use during the meeting. You've seen all of these items before with the exception of Item C (7), which is the workbook for today's meeting. I just want to ask if there are any questions on Items C (1) through C (6). Hearing none.

(7) Workbook for Rules Committee Meeting August 6, 2026
(a) Includes written comments received from Luke Grabowski on behalf of IFDF – Addendum A

Ms. Schwantes – This is the workbook that was designed for the Committee to use in this meeting today. If you could open it up and let's take a closer look at that. I want to go over a couple of things before we move into the actual discussion of the rules. For each of the seven (7) rules on today's agenda, the workbook contains 1) the full rule as currently written and published; and 2) the old statute as changed by Senate Bill 598 with the yellow highlighted portion showing the changes made by that bill. I do want to point out that I've not checked since then, but when the packet was sent out, the changes had not been published in the Florida Statutes yet. So, this was the best way we could put everything together for you in one statute. You will have review notes from the June 12th Committee meeting. You'll have space for review notes from today's meeting.

And there's a reference to any written comments that were received. All written comments to these rules were received from Luke Grabowski, attorney, on behalf of IFDF, and these comments are contained in Addendum A to the workbook. Are there any questions regarding what's contained in the workbook or regarding the way things are highlighted? I know there were some questions last time, so I just want to be sure we understand.

Ms. Clay – Chair Clark?

Chair Clark – Ms. Clay?

Ms. Clay – Thank you. Just for clarification, the highlights that are in gray are simply titles, right, not changes?

Ms. Schwantes – Correct. I don't know if I have gray on mine to be honest at the moment. The changes that I'm referring to are in the statutes themselves {inaudible} the changes that were made by the Senate Bill. It will show the exact language as it appeared in the Senate Bill. You'll see the strikeout portions, and you'll see the underlying portions which were added.

Ms. Clay – Thank you.

Ms. Schwantes – Any other questions? Mr. Chair, should we get into it?

Chair Clark – I think so.

D. Rules for Review

Ms. Schwantes – This is the review of the seven (7) rules requiring changes as a result of the passage of Senate Bill 598.

(1) Rule 69K-5.009, F.A.C. - Regulatory Standards for Evaluating Applications by the Board

Ms. Schwantes – This rule is found on Page 3 of the workbook. Relevant statutory changes in Section 497.263 are found on Page 4. And the written comments regarding the rule are found on Page 3 of Addendum A to the workbook. Regarding the Department's recommendation, we do not have a preference on this. We believe Mr. Grabowski's proposal is fine to incorporate the changes that were made.

Chair Clark – Thank you, Ms. Schwantes. For the Committee, I'm just making note that this is one of the rules that Mr. Grabowski had comments on. Any questions for Mr. Grabowski? He's on the call.

Mr. Jensen – Just a moment, Mr. Chair. I'm trying to get to this way down here on his comments to see. So, may I, Mr. Chair?

Chair Clark – Go ahead, Mr. Jensen.

Mr. Jensen – Ms. Schwantes, the Department is not recommending any change here. Is that what I'm to understand?

Ms. Schwantes – No, sir. As I said, we don't have a preference on it, but we do believe Mr. Grabowski's proposed language on this is fine if the Committee decides to go with that.

Mr. Jensen – All right.

Chair Clark – Go ahead.

Ms. Wendy Wiener – Good morning, Committee. I do have one question. I like what Luke has recommended here but I do have a question about the use of the word "separate." Third line from the bottom, parcels located in separate or distant geographic areas, even if along the same roadway or corridor, do not satisfy the contiguity requirement of this paragraph. My concern about the word "separate" there, I would want to be clear or maybe tighten that language a bit so that it is in theory, possible, especially where this language is intended, the statutory language, this language that I wrote, and the intention is to, in certain areas like South Florida where there just aren't thirty (30) contiguous acres in a cow pasture somewhere, someone can still develop a cemetery. There is a possibility that those thirty (30) acres separated by a public roadway could go into a

different municipality, from municipality to municipality. So, I just want to make sure that where we say parcels located in separate or distinct geographic areas, even if along the same roadway, do not satisfy the requirement of this paragraph. My other concern, and I wonder if this is one that Ms. Munson will raise, is that some of this language, because it can be -- it's open to interpretation. What is distant to me might not be distant to you. What is separate to me might not be separate to you. And so, I'm wondering if we are borrowing trouble with some of this broad language. I do totally agree with the concept. The idea is not to put part of a cemetery here and another part of a cemetery five (5) miles away. It's literally to put it in an area. But I'm wondering about that last sentence. So, I thought it would be appropriate for discussion.

Chair Clark – Thank you, Ms. Wiener. Ms. Schwantes?

Ms. Schwantes –Thank you, Mr. Chair. The last sentence in that paragraph that Ms. Wiener has pointed out, parcels located in separate or distinct geographic areas, etc., is a direct quote from the statute that was changed.

Ms. Wiener – That's interesting. That was not in my original language, so that must have gotten put in there later. So okay, well, then I withdraw that comment. Never mind.

Chair Clark – I have a similar comment, Ms. Wiener. Should we define it? I agree with you, but I just don't know if we need to define both geographic proximity. It's not that it's vague, but I don't know if we need to define it. It was just a comment I had.

Ms. Wiener – So maybe that's what needs to happen in the rulemaking, is to –

Ms. Rachelle Munson – How would you define it, though? Because I can almost bet that when you start to narrow a definition, it will not be totally inclusive.

Chair Clark – I think that's fair. But, I mean, we don't just [inaudible] 75 miles [inaudible].

Ms. Munson – I know, I know, I know. Again, I think the issue is the way is the language in the statute. Just be careful with that. So that's my recommendation.

Chair Clark – Thank you, Ms. Munson. Mr. Grabowski?

Ms. Munson – We can't hear you.

Mr. Jensen – Mr. Chairman, may I, in the interim?

Chair Clark – Yes, go ahead.

Mr. Jensen – Yes, so hearing what Ms. Wiener said, we actually have a problem like that in Northwest Florida as well, not just South Florida. But, you know, an area like Destin has advertised for new cemeteries several times, but finding thirty (30) contiguous acres in Destin is very hard. Is there some way we could put language in there, and I know this sounds really vague, but "on a case-by-case basis"? Can't do anything like that?

Ms. Munson – Not saying we can't do it, but that's not helpful because that's just kind of an understood statement on a case-by-case basis, right? So again, it's going to be very relative as to who is determining this decision based on each case. And that language kind of infers some type of deferential treatment. Where deferential treatment probably will exist in this scenario, putting that out there could be problematic. I think it is problematic.

Mr. Jensen – Okay.

Chair Clark – Thank you, Ms. Munson. Mr. Grabowski? Yes, sir, Go ahead.

Mr. Luke Grabowski – The only comment I had was we did pull that language right from the statutory changes, but that's also why we included the remainder of that sentence that or parcels separated by more than a public right-of-way or public road. Rather than having to define a geographic area, I think by putting that limitation there that ties up with the statute, that kind of necessarily limits any extended geographic separation between the two (2) parcels, if that matters.

Chair Clark – Yes, I appreciate that. Committee members, any other questions, comments?

Ms. Munson – I know Ms. Wiener; you wrote this language.

Ms. Wiener – Well, I wrote the original language, and I don't believe that that last sentence was in there, but it did go through the legislative process. So, I don't really have other comments on it. I do wonder whether some of the language of the rule -- we've been -- part of this process has been to eliminate language that's already in the law and to just have rules say what rules are. And so that phrase at the end, the part of the sentence -- if it comes right out of the law, I don't know if it needs to be in the rule. But because it's in the law, I certainly don't have an objection to it being in the rule.

Ms. Munson – Whether it's in the rule or not, it doesn't change the problem.

Ms. Wiener – Correct.

Ms. Munson – So, I think we're just playing with cards when we do that.

Chair Clark – Thank you, Ms. Wiener. Any other public comments? Hearing none. Ms. Schwantes, would it be appropriate for the Committee to make a motion to accept the proposed language or adjust it? Would that be our next move?

Ms. Schwantes – Absolutely.

Ms. Munson – I saw Mr. Grabowski raise his hand.

Chair Clark – I didn't see him. Sorry.

Mr. Grabowski – Oh, no. I apologize, Mr. Chair. I just wanted to point out there is one typo now that I'm looking at the language in that last sentence. It says, "located in separate or distant geography areas." It should be "geographic areas," just for purposes of clarifying that addition.

Ms. Munson – My version says geographic.

Ms. Wiener – The statute says geographic, but if you look down in Mr. Grabowski's suggested changes, it's on Page 34 of the workbook.

Ms. Munson – Okay. Well, I was looking at the workbook on Page 5 where it says geographic.

Ms. Wiener – That's the law --

Ms. Schwantes – Mr. Grabowski's comments are on Page 2 of Addendum A.

Ms. Clay – Mr. Chair?

Chair Clark – Go ahead, Ms. Clay.

Ms. Clay – Understanding the typo, I move that we move forward and accept the changes that are proposed.

MOTION: Ms. Clay moved to accept the proposed changes with regards to this rule. Mr. Williams seconded the motion, which passed unanimously.

Ms. Schwantes – Thank you.

(2) Rule 69K-18.002, F.A.C. - Funeral Director Intern Training Program

Ms. Schwantes – This rule is found on Page 8 of the workbook. Relevant statutory changes to Section 497.375 are found on Page 13, and the written comments regarding the rule are found on Page 6 of Addendum A to the workbook. This is one of the

rules that this Committee decided should be reviewed this year during the annual review that is required by Section 120.5435 Florida Statutes. And so, while I know there are likely to be a lot of comments to this and a few other rules in 69K-18, our recommendation is that we continue to discuss changes that are needed as a result of Senate Bill 598, but make no final decision on it until all are reviewed again during the annual review, which should begin next month. And as to the proposal from Mr. Grabowski, we would agree with those changes that he suggested to subsection (3)(a).

Chair Clark – Thank you, Ms. Schwantes.

Ms. Schwantes – Again, this needs to go through annual review.

Mr. Jensen – Mr. Chair, may I ask Ms. Schwantes a question?

Chair Clark – Go ahead, Mr. Jensen.

Mr. Jensen – Ms. Schwantes, could you give me the page of our packet that Mr. Grabowski's comments are on again?

Ms. Schwantes – On Page 6 of Addendum A. All of Mr. Grabowski's comments are in Addendum A. Page 6 is where the rule begins. It actually may not be where the changes are.

Mr. Jensen – Yes, that's not it.

Ms. Wiener – It's on Page 39.

Mr. Jensen – Page 39, okay.

Ms. Wiener – Of 55.

Ms. Munson – Thank you.

Chair Clark – While the Committee is reviewing, any public comments for this rule?

Mr. Jensen – Question for Mr. Grabowski, Mr. Chair?

Chair Clark – Go ahead, Mr. Jensen.

Mr. Jensen – So a question for you on Page 39. So, all you're basically doing is changing the "and" when it already said "and?"

Mr. Grabowski – Well, basically we're just taking out that Section C. It was struck by Senate Bill 598. That portion was removed, so we're just specifying that it's 2(a) and (b) and not 2(a), (b), and (c).

Mr. Jensen – I got you. Okay. Thank you for your clarification.

Mr. Grabowski – You are welcome.

Chair Clark – And again, Committee members, these are rules that are already open, and we applying to review them during the annual review. Go ahead, Ms. Schwantes.

Ms. Schwantes – Yes, sir. Just to remind the Committee members, the annual review will require a lot more in-depth review of these rules than we are doing today. I think what we would propose is that if the Committee likes some of the changes that are proposed today, we will include those changes again in the workbook for the annual review so that you see it again. This is not the end of it today, but there are other changes that need to be made to all of the 69K-18 rules. The Department is also reviewing these rules as well because we know that changes will be needed to the forms. Those are my comments.

Chair Clark – Thank you, Ms. Schwantes.

Ms. Clay – Mr. Chair?

Chair Clark – Go ahead, Ms. Clay.

Ms. Clay – That being the case, Ms. Schwantes, would it be beneficial to postpone a vote on this until all of that is completed?

Ms. Schwantes – Ms. Clay, I think it probably -- because I know perhaps not so much on this one, but I know some of the rules that are coming up that are in the same posture as far as the annual review goes, but there are public comments that folks are wanting to make. I think it would probably be beneficial to go ahead and hear those public comments. If there's something that the Committee likes and would like to see again during the annual review, we can make sure that that's included is what I'm getting at. But I would not say that -- I don't think that any vote right now should be in the format that we're ready to submit it to the Board at the next meeting because it needs to come back to the Committee for the annual review.

Ms. Clay – Thank you.

Ms. Schwantes – Thank you, ma'am.

Mr. Jensen – So what type of motion would you need, Mr. Chair?

Chair Clark – I think it would be, I mean there are changes, you know, there are things highlighted, there's not a lot, but I think it's to accept that its submitted but acknowledging that this is open for development. So, something like that.

MOTION: Chair Clark moved to accept the changes noted in the workbook and continue discussion in our annual review with regards to this rule. Mr. Jensen seconded the motion, which passed unanimously.

Ms. Schwantes – Thank you.

(3) Rule 69K-18.003, F.A.C. - Concurrent Internships

Ms. Schwantes – This rule is found on Page 15 of the workbook. The relevant statutory changes are to section 497.375, which is found on Page 16. You'll note that 497.375 impacted both Rule 18.002 and 18.003. For ease in going through the workbook, it is repeated twice. The statute is repeated twice, so that you're just looking each rule and the statutes that impacted it. Written comments regarding the rule are found on Page 13 of Addendum A to the workbook. Mr. Jensen, I'm sorry I do not have it open so I cannot tell you electronically what page of the addendum that is, but it is on Page 13 of Addendum A. The Department's recommendation on this, 18.003 is one of the rules to be reviewed during the annual review required by section 120.5435 Florida Statutes, and for discussion of changes needed as a result of Senate Bill 598 but no final decision made and the entire rule reviewed again during the annual review which begins next month. With regard to Mr. Grabowski's proposal, the only reason this rule is being reviewed is because of changes made by Senate Bill 598 to section 497.375 on funeral directing and this involves concurrent internships. To be a concurrent intern you still need to meet requirements for both funeral directing and embalming. The only change is that for the funeral directing side, you no longer need to meet the requirement that you receive a passing grade, college credit course in mortuary law, et cetera, and ethics. And many of the other changes make sense, however the proposal needs much more careful review during the annual review of this rule. And so, at this time the Department would not recommend fully adopting all of the changes that Mr. Grabowski proposed.

Chair Clark – Thank you, Ms. Schwantes. Committee members, his comments are found on Page 45, I believe.

Ms. Schwantes – Thank you, sir.

Mr. Jensen – Did you say 45, Mr. Chair?

Chair Clark – Yes, sir.

Mr. Jensen – Thank you.

Chair Clark – Page 46 has part of it, so it's 45 and 46.

Mr. Jensen – It looks like just a bunch of strikes.

Chair Clark – Again, for the Committee, this is similar to the last one, this will be open as part of the annual review, so we don't have to finalize anything today, but any questions? Ms. Wiener, go ahead.

Ms. Wiener – Mary lost me a little bit. Why would we not move forward with looking at these changes? I mean, we mentioned, and I was just looking back at some older meeting minutes from when we first started these Rules Committee, we looked at 100., whatever the other rule was, that we were just looking at. We've looked at some of these before, and we keep sort of passing this one along, this concept of Type 1 and Type 2 and Type 3 courses of study. There's not even a Type 3 course of study anymore. The changes that Mr. Grabowski has suggested seem to do no harm, certainly, and to tighten up the rule to be consistent with the law and current practice. And so why would we not take this up today?

Chair Clark – Go ahead, Ms. Schwantes.

Ms. Schwantes – Thank you. I was not saying don't take it up today. I was saying don't finalize it today, because it does have to come back during the annual review. If the Committee wants to look at each of the proposals that Mr. Grabowski is suggesting within this rule, that is certainly fine. And I did say earlier that some of the proposals we have no problem with, but there are a few in here, particularly the strikeout on subparagraph (2), because an active or concurrent internship still has to meet all of the separate requirements for the funeral director internship and the embalmer internship. And so, I'm just saying if it's not finalized today, and we're able to look through it again at the annual review, more specifically with any other changes that need to be made as a result of that review, that puts it in a better posture.

Chair Clark – Thank you, Ms. Schwantes. Mr. Grabowski?

Mr. Grabowski – Yes, thank you, Mr. Chair. I just wanted to point out in response to Ms. Schwantes' comment regarding that strikeout on subsection (2), I would agree that that language should stay in. Again, that's Rule 69K-18.003(2). That first strikeout on that page, I think, should be staying in the rule.

Chair Clark – Thank you, Mr. Grabowski. Mr. Williams?

Mr. Williams – Yes. On Page 46 of 55, subsection (3), Mr. Grabowski, it kind of conflicts with each other. Because you said two-year, you scratched out four-year college degree, and then it says higher in any field. So that's a conflict one. Then you go down and you say college or university, or university, it has to be more than two (2) years. So, I'm just trying to really understand what you're trying to say, because you can't have a two-year university.

Mr. Grabowski – If I may, Mr. Chair?

Chair Clark – Mr. Grabowski?

Mr. Grabowski – Yes, that was just going back to the statutory language of, you know, requirement that you have to hold an associate's degree or higher in any field from a college or university. That's essentially where we pulled that language from, the actual language in Senate Bill 598.

Mr. Williams – So why are you scratching out four-year?

Mr. Grabowski – Because the statutory change says an associate's degree or higher. So, my take of that is two (2) years or higher. There's no requirement that there be a four-year or bachelor's degree. It's an associate's degree or higher.

Mr. Williams – Do we and/or then? I mean, because it just -

Mr. Grabowski – Well, that's why we put the qualifier in there, or higher. So, it's anything above a two-year degree.

Mr. Williams – Well, that goes back to the point of... Okay.

Chair Clark – Go ahead, Ms. Munson. And Mr. Williams, thank you [inaudible].

Ms. Munson – I think this may go back to Ms. Schwantes' point of having the opportunity to look at some of this language even more closely, even though it looks on its face like it makes sense. I mean, I was concerned in reading why it just didn't say associate's degree. Why did it break it down into the two-year mark? I mean, it seems like -- I understand Mr. Williams' comments because I'm reading it from a lay perspective, so I'm just trying to make it make sense. An associate's degree may be, I don't know. I don't know if any place has an associate's degree for more than two (2) years or less than two (2) years. I don't know. But I know it's the associate's degree that's the marker, not necessarily the year. So, I believe, to Ms. Schwantes' point, was why I said, have the information available. It will be reviewed in greater detail. First look for the Rules Committee to make comments at this time. That's it. Thank you.

Chair Clark – Thank you, Mr. Munson. Mr. Beckham?

Mr. Howard Beckham – I'll let Ms. Schwantes proceed.

Chair Clark – Sure. Go ahead Ms. Schwantes.

Ms. Schwantes – Thank you, sir. The only thing I wanted to point out there was, and I just truly have not had a chance to double-check it. Again, because this is a concurrent internship and you have to have the requirements for both the embalmer and the funeral director, I would want to make sure that we are not focused solely on the changes that were made to the funeral director statute, which is 497.375, and that we have opportunity to make sure that the educational and other requirements that are still in the embalmer statute, which did not change, are incorporated correctly.

Chair Clark – Thank you, Ms. Schwantes. Mr. Beckham?

Mr. Beckham – Thank you for your comments. As far as Mr. Williams, some universities do the associate's degree in funeral services. That's part of the reason that that was written in the law. So, they don't necessarily have to have that degree. The other thing is Ms. Schwantes pointed out something very significant about the difference about the qualifications and statutes. And the big hesitancy I have about this, and we have pointed out before in the past, there was some language difficulty in this law. That's this section when it did pass. It just contradicts, if we let somebody have an internship at this point, under the way this was written, they can't be licensed at the end of that unless they've completed their college, ABFSE courses, 497.369, 497.374, and 497.376, all specify the qualifications to be licensed. So, if you just let somebody who has an associate's degree, theoretically, in any field or higher, apply for an internship license for twelve (12) months, they can maybe do their internship, but at the end of that, unless they receive their education and their degree and the qualifications, they can't go any further. That license is over in 365 days; the way I understand the statutes. So, this needs to be corrected by the next session to rewrite it to be able to take this, everything into consideration, actually be a value to anyone. I think it's almost dangerous, in my opinion, to let someone become an intern who may not have any funeral experience. I can't imagine the Board even considering such a person, even if statute may allow it. So that's part of my hesitancy in this. It's an error, and it needs to be corrected legislatively, I think to review this with more scrutiny is prudent by the Rules Committee at this time. Thank you very much.

Chair Clark – Thank you, sir. Ms. Schwantes?

Ms. Schwantes – Yes, sir. Perhaps the motion, if the Committee desires, would just be to table this and continue it at the next meeting.

Chair Clark – Thank you, Ms. Schwantes. Mr. Jensen, did you have a question? I may have seen your hand, maybe not.

Mr. Jensen – Yes, I was basically going to comment what Mr. Beckham just said. That's where I'm confused, because 497, you know, seems to say something different, and I'm just a little, you know, it doesn't make sense to me. If you have a general associate degree from a place and no funeral stuff, I mean, even if you have a bachelor's degree, you still got to take the funeral part of everything. So, they're conflicting each other, and I don't know the answer. I've been battling it in my mind, but I understand the statute, so I don't really know the answer. So maybe I will have to do what Ms. Schwantes suggests and just keep kicking the can down the road.

Chair Clark – Thank you, Mr. Jensen. Any other final comments? All right, back to the Committee for a motion.

MOTION: Ms. Clay moved to table this rule until a later date when more information is available. Mr. Jensen seconded the

motion.

Mr. Jensen – We need to, you know, maybe have a clarification from the Department exactly how does this all mesh is what I'm trying to figure out. When we come back to it, Mr. Chair, you know, maybe the Department and some of the smart lawyers on here can give us some ideas to how all this meshes together.

Chair Clark – Thank you, Mr. Jensen. Ms. Schwantes?

Ms. Schwantes – Yes, sir. When we come back during the annual review, we can try to do that. I will tell you that there are some changes made by the new statutes or within the new statutes that do not mesh, and we're going to have an issue with it. And we're already looking at that. But until the statute in some cases can be changed, we're all going to be kind of scratching our heads.

Mr. Jensen – Thank you.

Chair Clark – Thank you, Ms. Schwantes. We have a motion to table this rule and revisit at a later date. It's been seconded. All those in favor say aye.

Committee members [Unison] – Aye.

Chair Clark – Any opposed? And that motion carries.

Mr. Jensen – Mr. Chair?

Chair Clark – Yes, sir?

Mr. Jensen – May I make a comment?

Chair Clark – Yes, sir.

Mr. Jensen – Just, you know, maybe ask Mr. Grabowski and maybe Ms. Wiener to get their two cents on this when we come back to it next time, because I would like to hear how we can legally mesh this together. Thank you.

Chair Clark – Thank you, sir. Ms. Schwantes?

Ms. Schwantes – Are we ready to move on, sir?

Chair Clark – Yes

Ms. Schwantes – Thank you, sir.

(4) Rule 69K-22.007, F.A.C. - Standard Uniform Procedures for Removal of Cremated Remains and Postcremation Procedures

Ms. Schwantes – This rule is found on Page 19 of the workbook. The relevant statutory changes to Section 497.667 are found on Page 21, and the written comments regarding the rule are found on Page 15, of Addendum A to the workbook. If anybody can give the electronic page number to Mr. Jensen in particular, because that's the way he's looking at, that would be appreciated. As for any recommendations on this, the Department's recommendation is we agree with Mr. Grabowski's proposal.

Ms. Wiener – It's on 47, Mr. Jensen, or 48.

Mr. Jensen – Yes, I appreciate that.

Chair Clark – Thank you, Ms. Schwantes. Any public comments? Hearing none. For the Committee, any questions?

MOTION: Mr. Jensen moved to accept the changes listed in the workbook with regards to this rule. Mr. Williams seconded the motion, which passed unanimously.

Ms. Schwantes – Thank you.

(5) Rule 69K-25.001, F.A.C. - Licensure by Endorsement; Embalmers

Ms. Schwantes – This rule is found on Page 23 of the workbook. The relevant statutory changes to Section 497.369 are found on Page 24. Written comments regarding the rule are found on Page 17 of Addendum A to the workbook. And the Department's recommendations are as follows. Even with the changes from Senate Bill 598, there are still two (2) paths for somebody to come in through endorsement. One is what we consider to be an education, an internship path, and the second is the experience path. With regard to Mr. Grabowski's proposed changes, we disagree that subparagraph (1) should be eliminated, and the proposal focuses only on the experience path. So, we need to review this again, perhaps jointly with Mr. Grabowski and others to make sure it also addresses the education path. For example, those coming in by endorsement based upon the education path must still take the National Exam. We believe this one needs to come back again at a later date. Just to clarify, this is not part of the annual review, but it still needs to come back for further work.

Ms. Clay – Mr. Chair?

Chair Clark – Ms. Clay?

Ms. Clay – Ms. Schwantes, when we say later date, is it around the time that these other matters are coming, or do we consider that postponed further for more time?

Ms. Schwantes – If I may, I would not want to postpone it too much further. I think it should come back before the Committee again in September when we begin our annual review. This one would not be part of the annual review. We would need to handle it a little bit separately. And again, I know that these are going to get somewhat confusing, because we're looking at some of the rules, the 69K-18 rules, for example, we're looking at some of them for two (2) different purposes. One is for the changes made by Senate Bill 598 that need to be incorporated. The second would be for the annual review. I want to make sure that it is as distinct as possible on the agenda and in the workbooks that 25.001 is not part of the annual review, unless the Committee decides they want to bring it in.

Chair Clark – Ms. Munson, go ahead.

Ms. Munson – I just wanted to clarify or offer additional information with regards to Ms. Clay's comments that when it's stated that it's not a part of the annual review, when you look at the five-year plan, you'll have a good table of reminders. Thank you, Ms. Schwantes, for that update as to when these rules will actually be a part of the annual review. And that one is slated for 28-29 FY, unless you decide.

Ms. Clay – Mr. Chair, that was exactly why I was asking the question, because of the length of time it will come back up for review. So based on what I'm hearing, it would be reviewed prior to that, your review time. That being the case, I would like to make a motion.

MOTION: Ms. Clay moved to table this matter until the future, when we have more information.

Chair Clark – Thank you, Ms. Clay. Give me one second, Ms. Wiener. I thought we would get a second to that motion.

Mr. Williams – I'll second the motion for the conversation.

Chair Clark – Thank you, Ms. Williams. Go ahead, Ms. Wiener.

Ms. Wiener – Given the change in the law, I think we do have to make a change to this rule. I understand Ms. Schwantes' comment, and I agree that the excusal from having to take national Boards is related to the path of endorsement licensure related to experience. But I do think we -- to the extent that we would table it, I would only table it maybe until the next Rules Committee meeting so that Mr. Grabowski and I can get together and tighten up the language as necessary, so that we do

have that. Given how contentious and controversial this issue has been over a number of years, we want to make sure as quickly as possible that the law and the rule match up with regard to who has to take National Boards and who does not.

Chair Clark – Thank you, Ms. Wiener. Ms. Schwantes?

Ms. Schwantes – I agree that these need to come back for the meeting in September. That's not an issue. We're going to be making the same recommendations for the next rule as well. Just to give you a heads-up on that. We will again on the agenda try to distinguish between what is coming in for annual review and what is just the Senate Bill 598 issues that still need to be decided. Just as a reminder to the Committee, a Notice of Rule Development was filed on all seven (7) of these rules by the end of July, as required by the statute, and so we have six (6) months to do anything further with these rules, but it will never be our intention to put it off for any length of time as we need to meet those deadlines.

Chair Clark – Thank you, Ms. Schwantes. So, we do have a motion to table. There's been good discussion, so I think it'll come before us sooner rather than later. Mr. Jensen, go ahead.

Mr. Jensen – Yes. I just have one question. Ms. Schwantes mentioned she agreed with what Mr. Grabowski suggested, except for the one sentence that he struck. So, I'd like to ask Mr. Grabowski, what was his reasoning there?

Mr. Grabowski – If I may, Mr. Chair?

Chair Clark – Yes.

Mr. Grabowski – The idea was to just sure this up with the statute. On the experience issue, I agree that we can probably specify that this only applies to that path. I think that's a relatively simple change. So, I anticipate when we come back before the Board, hopefully next month, perhaps we can come up with some language just to clarify that this only applies to that one pathway, because that was the intent with the change.

Mr. Jensen – Thank you.

Chair Clark – Thank you, Mr. Grabowski. Ms. Schwantes?

Ms. Schwantes – Thank you. The rule will need to entertain language as to what happens for those who are following the education path as well as what happens to those who are following the experience path. And as to Mr. Jensen's comments, I think that what I said before about there was one sentence I absolutely disagreed with was on a prior rule. This rule, as proposed, needs a lot more work.

Chair Clark – Thank you, Ms. Schwantes. We have a motion to table and it's been seconded. Any other discussion? All those in favor say aye?

Committee members [Unison] – Aye.

Chair Clark – Any opposed? And that motion carries. Ms. Schwantes?

Ms. Schwantes – Thank you sir.

(6) Rule 69K-25.002, F.A.C. - Licensure by Endorsement; Funeral Directors

Ms. Schwantes – The rule is found on Page 26 of the workbook. Relevant statutory changes to Section 497.374 are found on Page 26. Written comments regarding the rule are found on hard copy Page 18 of Addendum A to the workbook. The Department's recommendation is similar to the last one. Even with the changes from Senate Bill 598, there are still two (2) paths to coming in for endorsement, the education path and the experience path. And with regard to Mr. Grabowski's proposed changes to this rule, the proposal focuses on the experience path. We need to review it again to make sure that both paths are itemized out, as we discussed in the last one. So, we recommend tabling this as well to give further opportunity for input.

Chair Clark – Thank you, Ms. Schwantes. Mr. Jensen?

Mr. Jensen – Yes. Just a quick question for Ms. Schwantes. So, you know, you mentioned the two different paths. Before we had it where if you had the experience, you still needed to have the education paths. I mean, we're going to run into an issue where some states, they don't require anything for funeral directing, hardly at all. And some of those states are pretty close to us. So, is that what you're looking at to make the language? It just needs to be fair across the Board.

Chair Clark – Ms. Schwantes?

Ms. Schwantes – Yes, sir. Mr. Jensen, there were no changes made by the statute to what we call the education path. It still requires certain degrees of education, but more importantly, perhaps today, it would still require that they take a National Exam. But if somebody has been practicing in another state for five (5) years, the statute that was changed clarifies and eliminates the need for the National Exam. With both paths, they're still required to take the Florida Laws and Rules. We just need to make sure that that's clear. And the changes that Mr. Grabowski made, understandably, focused on the changes that were made by the statute, but those statutory changes only applied to the experience path. It just needs to be set out, distinguished, clarified, etc. And I think it's easy enough to do when a couple of people put their heads together and we can perhaps, again, try to come up with something more definitive proposed for the next meeting.

Chair Clark – Thank you, Ms. Schwantes.

MOTION: Mr. Jensen moved to table this rule. Ms. Clay seconded the motion.

Chair Clark – Mr. Williams, I saw your hand. Go ahead sir. Do you have a question?

Mr. Williams – Well, it's going to be tabled, but it's very minor with grammatical stuff. So, I guess I'll just wait.

Chair Clark – Okay. We have a motion to the table and it's been seconded. Any other discussion on the motion? If not, all in favor say aye.

Committee members [Unison] – Aye.

Chair Clark – Any opposed? And that motion carries.

(7) Rule 69K-31.001, F.A.C. - Procedure Required

Ms. Schwantes – This rule is found on Page 29 of the workbook. All of the statutory changes to Section 497.607 are found on Page 29, and the written comments regarding the rule are found on hard copy Page 23 of Addendum A to the workbook. The Department's recommendation is that we approve Mr. Grabowski's proposal.

Chair Clark – Thank you, Ms. Schwantes. Committee Members, are there any questions? I believe it's just changing to ninety (90) days, which we addressed in Rule 69K-22.007. Any public comments? Ms. Wiener?

Ms. Wiener – Are we on 31.001?

Chair Clark –Correct.

Ms. Wiener – So the change there -- -- it's, yes, never mind. That's right. I was looking at the one before it in the workbook.

Mr. Jensen – Mr. Chair?

Chair Clark – Go ahead, Mr. Jensen.

MOTION: Mr. Jensen moved to accept the recommended changes with regards to this rule. Mr. Williams seconded the motion, which passed unanimously.

Ms. Schwantes – I want to talk about Addendum A briefly. Addendum A, which, again, is the proposed rule submitted by Mr. Grabowski, included a new rule, which was 69K-9.005, intended to deal with the exclusive provider agreement. It's not subject to discussion today, as it was not identified by the Committee as an area requiring a new rule. However, if the Committee wishes, we can add that to a future agenda if desired. Also, he proposed changes to the disciplinary guidelines, and as a reminder, it was already decided that that rule, which is extremely lengthy and complex, should not be open for the annual review until we have completed the remaining rule reviews. And that way, we only touch the disciplinary guidelines once, after everything else has gone through that annual review process required by statute. We do not recommend opening that rule for any reason before all of the rules are reviewed. If the Committee, again, wants us to add the new rule proposed by Mr. Grabowski to a future agenda, we'd be glad to do that.

Chair Clark – Ms. Schwantes, that was 69K-9.005, correct?

Ms. Schwantes – Yes, sir.

Chair Clark – Okay.

Ms. Schwantes – That was kind of in the middle. It's on Page 4 of the hard copy.

Ms. Wiener – Page 36.

Ms. Schwantes – I'll try to remember for the next go-round to use the electronic page numbers since that seems to be easier. I can't guarantee I'll remember, but I'll try.

Mr. Jensen – Clarification, Mr. Chair?

Chair Clark – Go ahead, Mr. Jensen.

Mr. Jensen – Mr. Grabowski, just to clarify, after reading your stuff, basically this is referring to funeral companies that may make an exclusive agreement with hospice facilities, or assisted livings, or something like that. Is that correct?

Mr. Grabowski – That's correct, Mr. Jensen. Any licensee under Chapter 497 and any end-of-life care provider.

Mr. Jensen – I'd like to make a motion Mr. Chair to add this to our upcoming agenda.

Chair Clark – And just so the records cleared, as a reference, sir, is that 69K-9.005 correct?

Mr. Jensen – Yes, sir.

MOTION: Mr. Jensen moved to add Rule 69K-9.005 to the upcoming agenda. Ms. Clay seconded the motion, which passed unanimously.

Ms. Schwantes – Continue?

Chair Clark – Yes. Go ahead.

Ms. Schwantes – Thank you, sir.

E. Summary Regarding Meeting Results and Future Plans

(1) Action on Rules Review Plan

(a) Updated 5-year Annual Review Plan per section 120.5435, Florida Statutes

Ms. Schwantes – Under Section 120.5435, by October 1st each year, we are required to file an update on the Annual Review Plan, which is also required under that statute, and you're going to recall that that statute was created during the 2025 legislation session as part of Senate Bill 108. Included in your meeting materials is the updated 5-Year FCCS Rule Review Plan. You'll see that the rules reviewed last year, '25-'26, have been grayed out. The rules we plan to review this year, which is Fiscal

Year '26-'27, are highlighted in the light orange. There are a total of thirty-five (35) rules to be reviewed this year, which includes the rules, such as all of 69K-18, which this Committee previously requested be added to the review. And that was at the June meeting that we added several, all of 69K-16 and all of 69K-18. Committee action is needed on this item. Assuming approval, it will be presented to the Board at the September meeting, and assuming approval then, the information contained in the document will be used to file the required October 1st Report under Section 120.5435. It will be filed in a different format, but that's the information that will be used on that report. Committee action is needed, Mr. Chair.

Ms. Munson – Question?

Chair Clark – Thank you, Ms. Schwantes. Ms. Munson, go ahead.

Ms. Munson – With the discussion that we had today are we adding any others, or no? I wasn't clear on that.

Ms. Schwantes – I did not hear that any were added to the annual review, just that some regarding Senate Bill 598 are coming back.

Ms. Munson – So, 9.005 is not a part of it?

Ms. Schwantes – It doesn't exist yet.

Ms. Munson – It's a new rule?

Chair Clark – Yes.

Ms. Schwantes – Correct.

MOTION: Chair Clark moved to accept the updated 5-year Annual Review Plan. Ms. Clay seconded the motion.

Chair Clark – Ms. Wiener. Go ahead.

Ms. Wiener – So, there are rules processes running on many different tracks. And even I am having trouble knowing what train I'm supposed to be on, despite many years of experience in this area. So, I'm probably not the only one. So, I have received, since July 22nd, six (6) different notices in the Florida Administrative Register of proposed rulemaking, notices of proposed rules. Where do those rules fit into the process that we're going through right now?

Chair Clark – Ms. Schwantes?

Ms. Schwantes – That's a good question. And you are not the only one who is confused by the rulemaking process. We're struggling to keep it coordinated by any means, by any means. Last legislative session, Senate Bill 108 came out that requires that we review all of the 69K rules within a five-year period. We developed a plan for that, and you all know that last year we began a significant rule review of those rules. We reviewed all of the Shared Rules. And if you recall, some are Board Rules, some are Shared Rules, and some are strictly Department Rules, and that document was included in your reference materials, just so that you all see that. We reviewed a lot of those rules last year. Some actually are coming back before the Committee for another annual review this year; Chapter 69K-18, for example, is coming back again. The Department also was reviewing all of the Shared Rules and all of the Department Rules. And it did that last year. So, there's a huge number of rules reviewed by both groups. In some cases, if both entities wanted to make changes to it, for example, but the Department was making more changes, then it processed through the Department. And a lot of those are now -- and I don't have a number for you, I'm sorry but a lot of those are now at the point where you're going to see proposed language on them. In the meantime, the Board had rules that it processed last year. And those rules, some of them went through repeal, for example. And I know that those repeals have been approved already. But some of the others where the Board made changes to are probably still in the works.

Now, let's make that even more complicated. Because Senate Bill 598 came along, and also the Agency Bill. The Agency Bill created a new rule, and it's already in the process. You'll see proposed language out there on it. It will not have some of the complications that some of the others do. But I know at least two (2) of the seven (7) rules that this Committee decided needed to be changed as a result of Senate Bill 598 were already opened, either by the Board or by the Department, during the prior

year's annual review for changes from that year. Ms. Munson confirmed with JAPC that the appropriate thing to do for the seven (7) rules that we talked about today would be to file a Notice of Rule Development by the end of July, even if they were already open. And so, she did that before the end of July as required by statute. And so now you have, for a few of these rules, they are already in process of changes, and now we have a Notice of Rule Development out there for additional changes because of Senate Bill 598. On top of that, we have to start this year's annual rule review from Senate Bill 108, that process, which is the thirty-five (35) rules we'll be reviewing soon.

At any given time, I cannot tell you exactly where in the process some of these rules are without researching it myself, particularly with those that are being handled by the Department counsel. It would require phone calls and some other research. But I can tell you that we are very closely coordinating. We've had numerous conversations with the Board Counsel and the Department on these to make sure that they are as closely coordinated as possible, so hopefully we don't have six (6) different versions of change out there. It does get a little bit more complicated, too, when you talk about forms for the process, because those are always Department responsibility. And so that's where we are.

Chair Clark – Go ahead, Ms. Wiener.

Ms. Wiener – A follow-up question to this point, and then I've got some other questions on this same sort of general topic. But in the notice that went out July 22nd, it was all the rules we covered today plus one we did not, 69K-1.009.

Ms. Munson – That's the statute, Ms. Schwantes.

Ms. Schwantes – What's that?

Ms. Munson – The new rule resulting from the criminal conviction 497.4 --

Ms. Wiener – Oh, that's what that is?

Ms. Schwantes – Right. Thank you.

Ms. Wiener – Okay, perfect. Thank you.

Ms. Schwantes – That's [inaudible]. Thank you.

Ms. Wiener – Okay. That's the new rule on timing of reporting criminal history, blah, blah, blah?

Ms. Schwantes – Correct.

Ms. Munson – Yes, the prohibitions are attached to it.

Ms. Schwantes – It puts together a new process for how the criminal history is reviewed as a result of the changes that were made by the Agency Bill, which was Senate Bill 1452.

Ms. Wiener – Then on the 24th, there was another notice that came out on Rule 69K-5.012, and then the 18s again, but including 01 and 04. And --

Ms. Munson – It might be the Department rules. Ms. Schwantes?

Ms. Wiener – {Inaudible} 18.002 and 18.003, like it overlaps.

Ms. Schwantes – Yes.

Ms. Munson – The Department - I'm sorry, Ms. Schwantes.

Ms. Schwantes – That's okay. [Inaudible] because I mentioned this already.

Ms. Munson – I'm sorry.

Ms. Schwantes – I apologize. I'm talking over you. I don't mean to. Sorry.

Ms. Munson – No, go ahead.

Ms. Schwantes – Mr. Chair, we're going to continue this, if I might. Just let us know if we shouldn't?

Ms. Munson – Yes.

Chair Clark – Go ahead.

Ms. Schwantes – The Department, as I mentioned earlier, is also reviewing this year all of the 69K-18 rules. It probably has also filed Notice of Rule Development or something along those lines regarding those rules. It will be coordinated. Whatever changes the Board needs to make will be coordinated with the changes that the Department is making. Which entity is the one that ultimately sees the changes through the process, I don't know at this point. Only two (2) of the 69K-18 rules were determined by this Committee to need changes as a result of Senate Bill 598. The other two (2) were brought in by the Committee to the annual rule review, and as we talked about earlier and as the Committee has agreed, we will be doing an annual rule review on all four (4) of the 69K-18 rules. Because of the timing regarding the two (2) that involve Senate Bill 598, even though it's taking it out of order a little bit, my suggestion would be that we have those at the September meeting. Any further work on language proposal, etc., on 69K-18 should be done before that September meeting.

Ms. Wiener – So, typically, when I see a notice of either development of rulemaking or, you know, proposed changes, then in my like regular world, I would request a hearing on said rule within a certain number of days so that my clients and I can participate. Do we need to be requesting hearings on these 69K rules that are getting noticed regularly? Or will all of them ultimately come before the Rules Committee so that we see what's happening?

Ms. Munson – If I may take an initial stab, Mr. Chair?

Chair Clark – Go ahead, Ms. Munson.

Ms. Munson – If they are rules that have been submitted by the Department, you're not going to get a hearing with us. So, I don't know what the process is to deal with that rulemaking generated by the Department. We, as a Board, are focused on rules that are open for rulemaking requested by the Board. So, there's a slew, like you just mentioned, and that's Department staff, and those trains are different. So, you need to clarify how to have discussions for those, but most of those changes from the Department, and Ms. Schwantes would definitely need to clarify, are based on forms or are more administrative and technical in nature. The changes that we're making are usually -- they're both considered substantive because forms are substantive, but it's the meat and potatoes that the Board usually undertakes. So, when you pull a rule and you get a notice, you might want to first determine, is this Board or is this Department? Then after you determine that, then you can determine and decide what type of participation or review. But what you can be, and I think, assured of, and again for Ms. Schwantes to confirm, that if it is a Board Rule, all of the rules that we are undertaking are involved in a Rules Committee discussion. They are posted, noticed, printed, open for discussion. We don't do any -- the Board at least has not yet undertaken rulemaking of any of these rules that did not go through Rules Committee and then presented to the Board. So, I want to just clarify that if you see something that you are unfamiliar with and didn't come through this process, more than likely it's the Department. And some of the rules overlap. The Board's discussion on the rules that overlap are only dealing with the Board's assessment of issues on those rules. The Department has other stuff going on.

Ms. Wiener – So let's hover on 69K-5.012 just for a minute. That is a rule.

Ms. Munson – I don't [inaudible] that.

Ms. Wiener – Okay.

Ms. Munson – Say again?

Ms. Wiener – I said, I don't think that's a Board Rule, so –

Ms. Wiener – It's not, I get it. It's -- it says it's a Division Rule.

Ms. Munson – Okay.

Ms. Wiener – And it is the application for burial rights broker. It is that. The text of the rule is not available. And so, I would need to request a workshop in writing in order for --

Ms. Munson – Is that rule open for rule development?

Ms. Wiener – Yes, this is --

Ms. Munson – Or is it a proposed rule?

Ms. Wiener – Well, this --

Ms. Munson – The proposed rule has language.

Ms. Wiener – No, this is a Notice of Development of Rulemaking.

Ms. Munson – So that's it. There is no language. There is no language.

Ms. Wiener – But -- so my question is -- so two (2) questions, one procedural and one more global. Procedurally, who is going to write this rule? Is somebody developing an application that then we can get a copy of? But when will we be able to get a copy? In order to get a copy of that, do I have to submit a request for a workshop? Because a lot of times we request these workshops, and then nobody comes and there's no comments. And if we don't have comments, there are no comments. And so sometimes that happens at the Department level. But where there's going to be a form developed, and that would be adopted by a rule of the Division, but because it directly impacts this Board's review of important licensees, like burial rights brokers in this particular case, it would seem to me that the Board would request that all of the rules relating to Chapter 497 come before its Rules Committee. Is that not a possibility?

Ms. Munson – It is not a process. So, when you say it's not a possibility, that's a Department decision. And I'm going to turn it over to Ms. Schwantes after I just clarify these other points. The public, and that's the purpose for notices of proposed rules, when language is available and where a funeral Board, if I may share, is just a little different than any other agency, there are changes to applications all the time. No one sees what those changes could possibly look like until those changes are published from public comment. The Funeral Board usually have a history of being involved from Phase 1 of any consideration of changes. That's not common agency-wide in other agencies. Agencies do what they do with their applications. They publish what the proposed changes are. JAPC sees it. The public sees it. And you have an opportunity to make a public comment, which a rule hearing is then applicable if you'd like to request one. So, getting in at the very front end of it before anything happens is rare. Most of that stuff happens internally. Funeral is a little bit, I'm not going to use the word spoiled on public record but accustomed is a better perspective of being on the very front end. And that's understandable. I'm not questioning it. But I just wanted to assure you, because this is a public meeting, that when any rule language is published, there's a window for public comment, and it's at that phase that you can enter the process and suggest why you feel these changes are not good, they are great, maybe you should try this instead. But it's at that stage that that happens.

Ms. Wiener – So when the Division –

Ms. Lisa Coney – So, we're waiting for it to be published as completed before we make public comment?

Ms. Munson – No, it's published as recommended. Because JAPC sees it and they might say, this language doesn't make sense. And then that's, again, you may have a rulemaking process, may have to be interrupted because of a change of the language. It happens all the time.

Ms. Wiener – Sure. So, in this scenario, just sticking with 5.012, Department/Division will develop an application. That

application will be published in the Florida Administrative Register.

Ms. Munson – That's what should happen.

Ms. Wiener – And at that point, interested parties can request a hearing on that proposed rule, which in this case is an application, but that application itself will not come before this Board Rules Committee.

Ms. Munson – And I let Ms. Schwantes speak further but that, I believe, is the process.

Chair Clark – Thank you. Ms. Schwantes?

Ms. Schwantes – Thank you, Ms. Munson. You've done a great job as always, an excellent job in explaining what has been a complicated coordination process between the Department and the Board, on these rules. I would suggest on anything that is listed in the rules as Department or Division, that you contact James Ross with the Office of the General Counsel and walk through that process with him as to how to request notices and such. It is not something that Ms. Munson is involved in or that the Board is involved in. The other thing about it is that a lot of changes are being made, as Ms. Munson indicated, to the Shared Rules and the Board Rules, Shared Rules in particular, that involve applications or forms. They're trying to bring the forms out of 69K-1.001, the forms section, and bring them into, incorporate by reference, etc., into the rules that are more of the substantive nature of that issue. So, when you say we're developing an application for burial broker, for example, it's not a new development. What they're doing is taking the application that exists, might in some cases be making a reorganization of the information that's contained in there, turning it into fillable forms, and a lot of the changes, in other words, are very technical in nature. There's some grammar changes, that kind of thing that the Department has made. It has done a very, very thorough review. So, anything the Department has submitted, I know we're spending a lot of Committee time on it, please contact James Ross at the Office of the General Counsel. And if you have other questions, you can always contact me too, and we'll try to get it coordinated.

Chair Clark – Ms. Coney, go ahead.

Ms. Coney – So I'm just curious, and happy to work through Wendy and James Ross, but since we were spoiled, I mean, accustomed to working through this process on the front end, is there any opportunity, in addition to hand-in-hand with the Florida Administrative Weekly postings, that if we weren't a Wendy, we may not ever even know about, of this going out to the associations and interested parties, the people who receive maybe the Board packets, you know, since there's already that communication tool through the Board packets, that those forms and notices come out through some vehicle like that, so that there's an early opportunity to look at this rather than potentially waste your time asking for --

Ms. Wiener – I'll hook you up so that you get the Department of State publication.

Ms. Coney – Oh, no, I get them, and I had all the same questions. You just got to them first. But historically, in our spoiled or accustomed nature, we got those the same way we would get Board packet materials. So, there was an early opportunity to look, rather than create the extra work of asking for meetings that may not be necessary. Is there just a courtesy kind of relationship where we could get them without that?

Chair Clark – Ms. Schwantes?

Ms. Schwantes – Thank you. I'm going to try to address this. And --

Ms. Munson – Ms. Schwantes, can I ask a favor? Could you please address the comment as it used to happen because technically it shouldn't happen. So, I don't want that on the record without some type of acknowledgement.

Ms. Schwantes – Correct. A lot of times when industry comes forward and says, “it used to happen,” things are talked about that were twenty (20) years ago or better, I certainly was not involved. Forms are the purview of the agency. They're the purview of the Department. They're going through the rulemaking process, which is a very public, open process, and certainly the public can come through and make comments at that time. The public can. We frequently, as a Division, provide information to the associations and work closely with the associations and very much appreciate their efforts in getting information out to the licensees. However, I'm not going to do two (2) things. One, I'm not going to talk on behalf of the Office

of the General Counsel, the staff who are working on this. They are still going through the five-year rule review with other Divisions. They did almost all of our rules that they needed to the very first year, but they have other Divisions that they're working on. For all of Senate Bill 108, as you have seen just from the Committee meetings and from the Board's actions, all of the requirements of Senate Bill 108 have added significantly to the already hard work that these people do without extra staff, without extra anything else in the assistance. And so, I will not speak on behalf of the Office of the General Counsel whether that would be a good idea to them or whether they think it would be worth it to send information to the associations and get information out that way. The other thing about it is that we already know this is confusing to the Board members who have in-depth knowledge and to the Committee members and those who stay involved in all of this. This has been an ongoing confusing issue since last year with Senate Bill 108. To send information to the industry members through an association letter or anything like that, I fear, would cause greater confusion, a lot greater confusion, for people who are not as knowledgeable. So again, it is a public opportunity. I truly recommend that anybody with questions regarding what the Department is doing, contact James Ross at the Office of the General Counsel. I'm happy to answer questions that I can or try to coordinate stuff, and that's kind of where we need to leave that issue if possible.

Chair Clark – Thank you, Ms. Schwantes. Ms. Wiener?

Ms. Wiener – Unrelated question to that process, maybe the dumbest question you've heard in this entire process. How do I know which rules are Department rules versus Board rules to Shared rules? And here is why I ask. When I got my Notice of Rulemaking, when I got my Department of State Florida rules, every single rule that is 69K says at the top, when you click on the Florida Administrative Register link, Department of Financial Services, Division of Funeral, Cemetery, and Consumer Services. It doesn't ever reference Board, and every rule in all of those notices says Notice of Development of Rulemaking, Department: Department of Financial Services, Division: Division of Funeral, Cemetery, and Consumer Services, and then there's rule numbers. Some of them, I guess, are Board rules. Some of them are Department rules. How can I distinguish between which ones I need to be talking to James on, and which ones need to be coming to this Committee? We're just trying to keep it all straight, so we all end up with -- everybody has the same goal here. We want a really good set of rules that keep the industry doing what the industry and the profession is supposed to be doing in a way that's clear to the participants in the industry and to the regulators. How do I do that?

Chair Clark – Ms. Schwantes?

Ms. Schwantes – Thank you. I have a quick answer for you on that one, Ms. Wiener.

Ms. Wiener – I hope so.

Ms. Schwantes – On the agenda, Item C(5), the updated designation of FCCS rules from May 2025, shows all 69K rules and tells whether they are a Board, a Department, or a shared rule.

Ms. Wiener – Okay.

Ms. Schwantes – {Inaudible} is submitted to JAPC is the format that is submitted to JAPC. We have to do it. But I would suggest when you get notice, you take a look at that item, which was part of the meeting materials, and that should help you greatly in determining whether you need to contact Ms. Munson or Mr. Ross or me, and you can always call me and I'll help with that.

Ms. Wiener – Super, super helpful. Let me ask an even dumber question. Who designated these Board versus Department? And the reason we sound so dumb on this, both Lisa and I, is because there was never -- there may have actually been the concept of Board rules versus Department rules at the beginning of the Board's creation. But every rule, whether it was Division rule, Department rule, Board rule was all treated in the same Rules Committee scenario. And then the Rules Committee went away, and now the Rules Committee is totally back. So, forgive us for, like, trying to slot our square peg into a round-hole here, but it's -- how do we know?

Ms. Coney – The only designation previously might have been we had subcommittees of rules, so we'd have a Rules Committee that dealt with financial issues or Rules Committees that dealt with operational issues. This Board, shared, Division, Department, this attorney for this and that attorney for that has -- it's pretty overwhelming.

Chair Clark – Ms. Schwantes?

Ms. Schwantes – Ms. Coney, you're preaching to the choir as to overwhelming. However, the separation of the rules in the Board, Shared, or Department began over ten (10) years ago. Ultimately, nine (9) years ago, approximately 2017, it was completed in discussions with the Office of the Attorney General, our Board counsel before Ms. Munson, and with our Office of the General Counsel and with the Division. And I believe at that time, too, there were filings, but we've been working with this same list for all the rulemaking in the last nine (9) years.

Ms. Wiener – Yes, and the distinction just had not become so clear to me until I started trying to sus out these seven (7) Notices of Rulemaking that came, and they all looked exactly alike. And so, unless I have like the secret list and thank you for providing that list, which is not a secret list, but unless I have that list, then I don't know who is in charge of what and how and who and who I need. So, this has been -- I know we have taken up a significant amount of Rules Committee time, but I do think this will be very helpful for those of us like Ms. Coney, Mr. Grabowski, myself, the associations, who are trying to participate in this process in a meaningful way.

Chair Clark – Thank you. Go ahead, Ms. Munson.

Ms. Munson – I just had a quick follow-up comment to one of Ms. Wiener's statements regarding the separation of rules, Board, Department, and Shared. And just to your benefit, when you find something that's identified and is an outline that's been referenced by Ms. Schwantes as a Shared rule, then you're going to have to do the additional due diligence to determine is the change for this rule Division-related or Board-related?

Ms. Wiener – Yes.

Ms. Wiener – That is the second tier, and that's what we are doing. So, what you're experiencing is exactly what we are doing. So, it is a lot of work. I appreciate the indulgence because this profession is very, very transparent about its diligence and attention to detail.

Ms. Wiener – Sometimes it's so transparent, it's okay. So yes, thank you.

Chair Clark – Ms. Schwantes?

Ms. Schwantes – Thank you. Should I continue?

Chair Clark – Well, I have a note that we have a motion to accept the updated plan.

Ms. Schwantes – Oh, thanks.

Chair Clark – Any discussion on that motion? Hearing none, all in favor say aye.

Committee members [Unison] – Aye.

Chair Clark – Any opposed? And that motion carries.

(2) Annual Regulatory Plan

Ms. Schwantes – I included that on the agenda in case our Board counsel has any comments to make about it at this time, other than I suspect that some of what we're talking about with regard to the annual review may become part of that Annual Regulatory Plan.

Ms. Munson – There's no additional comment.

Ms. Schwantes – Thank you.

Upcoming Rules Committee Meetings:

Ms. Schwantes – We have dates. Monday, September 21st, a video conference, beginning at 10:00 AM. And there will be another one on Monday, October 19th, a video conference beginning at 10:00 AM. I would very much like to thank the Committee members and others who participate in these meetings for helping us to firm those dates up. We probably will need another meeting in November, because after the October 1st deadline, the next deadline will be by January for the rules that are part of the annual review, which are thirty-five (35) rules. We're going to have to determine which ones need to be open for development, which ones don't, and there's some other requirements we'll go into in much more detail. We have another deadline looming, and so I very much appreciate the Committee's efforts to meet monthly on this so we can get the information to the Board, and have the Board approve it before we have to file reports. And those were the end of my comments.

Chair Clark – Thank you, Ms. Schwantes. Ms. Wiener?

Ms. Wiener – Just one more question. How do we know what rules will be considered on September 21st versus October 19th versus possibly in November, so that we can start getting our comments in? I know we had worked through that somewhat informally at the end of the Rules Committee meetings in the past, and so I'm trying to get my bearings on that.

Chair Clark – Ms. Schwantes?

Ms. Schwantes – The document that was included that the Committee just approved, the Updated Rule Review Plan, was which thirty-five (35) rules would be reviewed this year. My plan would be for the September meeting to include all thirty-five (35) rules as we did before last year, and we'll work through as many as we can of those thirty-five (35). We may have to table some for the next meeting in October but work through the series of questions we have to ask about each rule. We'll go through those tables, try to get as much of that done as possible, and then if the Committee decides that changes need to be made to those rules, there will be a subsequent opportunity, probably October, for proposed language on the rules that require changes. The annual review portion would be run very much like it was last year.

Ms. Wiener – So, in September, we're going to cover the thirty-five (35) rules marked in peach for fiscal year '26-'27?

Ms. Schwantes – Correct. And that would be to ask the initial questions and for the Committee to determine whether it believes there need to be changes made to those rules.

Ms. Wiener – And for those that we open, then we would work on language to then come back hopefully in October or maybe November?

Ms. Schwantes – That would be my expectation at this time. I have to play it by ear as well as the Committee does, too, because so much comes up. In the midst of all of that, we still will be continuing work on these. We have four (4) rules that were tabled essentially today.

Ms. Wiener – Okay.

Ms. Schwantes – And you've added one (1) from the proposal from Mr. Grabowski. Those five (5) will be discussed next month, so get ready for a longer meeting, in addition to going through the annual review portion that's required on the thirty-five (35).

Ms. Coney – So that was my question. That would include all the 18s {inaudible}.

Ms. Schwantes – For the 18s, we will need to do two (2) things. For all four (4) of the 69K-18 rules, we will need to ask the questions and go through the basic table that was required in Senate Bill 108, which is Section 120.5435, and cover that. The Committee may decide as part of that review that changes need to be made. We're also going to have to address the changes from Senate Bill 598. There is a shorter timeframe for making changes to at least two (2) of the 69K-18s because they are the ones that we're identified as needing changes because of Senate Bill 598. And remember, we have a six-month window from that Notice of Rule Development that's filed on those two (2) to get changes submitted. So, buckle up. It's going to get confusing, but we're going to get through it.

Ms. Wiener – I love that you say it's going to get confusing. I can't wait.

Ms. Schwantes – That's a positive spin I can put on it.

Chair Clark – Mr. Jensen, do you have a question?

Mr. Jensen – Yes, just a clarification for Ms. Schwantes. The meetings coming up on September 21st and October 19th, are they on the computer?

Ms. Schwantes – They will be video conference meetings. Yes, sir. We do not have any more in-person meetings planned for the Committee or for the Board until next calendar year when we have an in-person meeting planned. I'm sorry, I don't know whether it's February or March. It's one of the two when legislative session starts and that will be here in Tallahassee. But that's for the Board, not the Committee.

Mr. Jensen – Thank you.

Chair Clark – Go ahead, Ms. Wiener.

Ms. Wiener – September 21st is Yom Kippur. It is a Jewish high holiday. There are only a handful of us that participate in this. I absolutely cannot be at a meeting electronically or otherwise on Yom Kippur. So, I don't know if the Committee would consider moving it to Tuesday or another day that week or any other day other than the holiest day of the year for Jewish people.

Chair Clark – Thank you, Ms. Wiener.

Mr. Jensen – Yes, I'm fine to move it, and any day but Monday is good with me. I don't like Monday meetings anyway. There are many other things to do. I don't know where the Monday came from, but probably said whatever, so?

Ms. LaTonya Bryant – Friday the 25th would be the only other available day in September.

Ms. Schwantes – What day?

Ms. Bryant – Friday the 25th.

Ms. Coney – Friday might be the only day worse than Mondays, but we can't have it on Yom Kippur.

Mr. Jensen – I agree with that.

Ms. Coney – Why is Friday the only other available day? Just curious.

Ms. Schwantes – Mr. Chairman, may I?

Chair Clark – Yes.

Ms. Schwantes – Thank you. Ms. Coney, it is coordinated through LaTonya Bryant. She's done an excellent job of trying to gather dates from people as to when they are not available, and she is particularly looking at the Committee members, Board counsel, and our counsel for their schedule, etc., because those are the core who need to be at these meetings. The other thing that we have to take into consideration, and I would like to make sure that the Committee members in particular understand this, is that we need for these Committee meetings to occur at such a time when we are not also under the gun here in our office for getting out the Board packets. So, the next Board meeting after September 25th would be on October 8th. We send that Board packet out on the 29th. So, it pushes it a little bit, which means that anything that's discussed on September 25th by the Committee is not likely to go before the October meeting. It's going to be really hard to do that because certainly minutes will not be ready by then. And that's the other thing, too. I want to give a huge shoutout to Ms. Bryant because she has had to keep up with the minutes not only from the Board meetings but from the multiple Rules Committee meetings that began last year as a result of Senate Bill 108. We'll do our best to have stuff ready, but we have to have some information that probably would go before the Board on the 8th, but the big thing as far as the Board goes right now, and we'll be able to meet this, the next Board meeting is on September 3rd, and we will at that meeting present a five-year update of the plan because that information

has to go so it's part of that October 1st report. Going back to what we were talking about, it has been a huge issue trying to coordinate dates. We tried for the second Thursday of every month or whatever the -- I might have the date wrong; Ms. Bryant, please correct me. But we try for a given Committee meeting every third Wednesday, whatever, and it just didn't work. So that Monday came up because that was the best date when everybody was available. And I'm available on the 25th, if the Committee members are available on the 25th, and Ms. Munson is available on the 25th, we can go with the 25th. I just want to point out that we do end up in a crunch with regard to timing.

Ms. Wiener – It was a comment about the week before, maybe the 14th?

Ms. Bryant – The 25th is the only other available day.

Ms. Schwantes – Again, she has done the work on this.

Mr. Jensen – So the 25th, Ms. Bryant, are we confirmed on that? Can I write that down in ink?

Ms. Bryant – If Mary is good with it, yes.

Ms. Schwantes – Mr. Chair, the Committee needs to decide that.

Mr. Williams – Is it a morning or an evening? What kind of time are we looking at? That's going to be a long meeting day, as Mary said already, so.

Ms. Schwantes – It will be a long meeting. It will begin at 10 o'clock, video conference on the 25th, if that is what the Committee wants. And, Mr. Chair, I think others can vote on it.

Chair Clark – Any motion?

Mr. Jensen – I'll make that motion.

Chair Clark – Do we need to vote on October as well, or just September?

Ms. Schwantes – Just September. It's all that was raised.

MOTION: Mr. Jensen moved to approve the 25th as the date for the September Committee meeting. Chair Clark seconded the motion, which passed unanimously.

Ms. Schwantes – Thank you. So going back, the next Rules Committee meetings will be on Friday, September 25th, by video conference at 10:00 AM, and then Monday, October 19th, by video conference at 10:00 AM. And thank you, Committee members. And, again, thank you, Ms. Bryant.

Ms. Wiener – And thank you, Ms. Schwantes and Ms. Munson, for helping with that. I do feel on much firmer footing in my confusion, so I feel a lot better.

F. Chair's Remarks

Ms. Schwantes – Mr. Chair?

Chair Clark – First, I want to comment. There's some stuff coming through the chat from Ms. Macy. She had a question about the Laws and Rules Exam. She said that's on the agenda, but do you recommend she get in contact with the Division?

Ms. Schwantes – Absolutely. So, Ms. Macy, please contact the Division about that. It is not something that gets discussed in these meetings, particularly because it's not on the agenda, as you pointed out. Thank you for bringing that up, Mr. Chair. I've not been monitoring chat for these calls.

Ms. Bryant – Excuse me. She wrote me and said that it was one of the items that's on the agenda that she wanted to speak on,

so I don't know which one it is. I told her to pop on and raise her hand.

Ms. Munson – I think it might be good to clarify, only because Public Comment is public comment. It's not necessarily public comment, it's a public meeting. So, but if the question is so specific that once you hear it, you can direct you to contact the office then. You would not be at least denying the public comment.

Chair Clark – Ms. Macy, can you hear me? What's your question?

Ms. Macy – Yes. Thank you for addressing my question. It has to do with the licensure by endorsement and, of course, the rules and regs, which you're talking about all of the changes that you're going through and you're adopting by changes in these different statutes that you're addressing. And my question is, when we go and we're doing our internships at these different locations and we're learning all these different statutes and rules, but yet the laws and regulations is based off the 2018 statutes, and that's the study guide that we're being given to follow and to study. But yet, in practice and in theory, when we're going out to do our internships, we're doing it based on the '24 and '25 Florida statutes. When is that going to be addressed that our study guides will be updated and the test and the exam will be changed and edited to the '25 and the current statutes? Because we're what, eight (8) years behind in the test that we're being tested against? And so, we're tested against an eight-year exam, but yet we are expected to operate in the 2025 current statutes.

Chair Clark – Thank you, Ms. Macy. Ms. Schwantes?

Ms. Schwantes – Thank you sir. Just to let you all know, first of all, this is not on the agenda, and so it's not something that we can go into great detail on. The test questions were reviewed and updated approximately two (2) years ago. I understand that students in particular have issues with that. Please call our office and talk to us individually about it. We can go through some of it, but at this point, it is not on the agenda and should not be gone into more detail on.

Chair Clark – Thank you, Ms. Schwantes.

G. Adjournment

Ms. Schwantes – Mr. Chair?

Chair Clark – Thank you, Ms. Schwantes. I do want to thank the Committee members. Yes, it's confusing, but we're doing great work, and I am just so appreciative of you. Mr. Grabowski, thank you for submitting written recommendations, as those are very helpful for myself and for the other Committee members. And as always, Ms. Wiener, thank you for your guidance and comments. We appreciate that. And I also just want to welcome Ms. Marshall in her new role with the Division. We're so excited to work alongside you. So, congratulations. And with that, this meeting is adjourned.

Ms. Schwantes – Thank you all.