Senator Baxley moved the following:

**Senate Amendment**

Delete lines 275 - 506 and insert:
licenses, may serve as a funeral director in charge for not more than a total of two of the following: funeral establishments, centralized embalming facilities, direct disposal establishments, or cinerator facilities, as long as the two locations are not more than 75 miles apart as measured in a straight line. The full-time funeral director in charge must have an active license and may not be the full-time funeral director...
in charge of any other funeral establishment or of any other
direct disposal establishment. Effective October 1, 2010, The
full-time funeral director in charge must hold an active, valid
funeral director license and an active, valid embalmer license,
or combination license as a funeral director and an embalmer.
However, a funeral director may serve as funeral director in
charge without an embalmer license or combination license if the
establishment does not have an embalming room on site or may
continue as the full-time funeral director in charge without an
embalmer or combination license if, as of September 30, 2010:
(a) The funeral establishment and the funeral director both
have active, valid licenses.
(b) The funeral director is currently the full-time funeral
director in charge of the funeral establishment.
(c) The name of the funeral director was included, as
required in subsection (4), in the funeral establishment’s most
recent application for issuance or renewal of its license or was
included in the establishment’s report of change provided under
paragraph (12)(c).

Section 7. Paragraph (b) of subsection (2) of section
497.385, Florida Statutes, is amended to read:
497.385 Removal services; refrigeration facilities;
centralized embalming facilities.—In order to ensure that the
removal, refrigeration, and embalming of all dead human bodies
is conducted in a manner that properly protects the public’s
health and safety, the licensing authority shall adopt rules to
provide for the licensure of removal services, refrigeration
facilities, and centralized embalming facilities operated
independently of funeral establishments, direct disposal
establishments, and cinerator facilities.

(2) CENTRALIZED EMBALMING FACILITIES.—In order to ensure that all funeral establishments have access to embalming facilities that comply with all applicable health and safety requirements, the licensing authority shall adopt rules to provide for the licensure and operation of centralized embalming facilities and shall require, at a minimum, the following:

(a) Each licensed centralized embalming facility shall have at least one full-time embalmer in charge. The full-time embalmer in charge must have an active, valid embalmer license or combination license as a funeral director and embalmer and may not be the full-time embalmer in charge, full-time funeral director in charge, or full-time direct disposer in charge of any other establishment licensed under this chapter. A funeral director in charge, with appropriate, active licenses, may serve as a funeral director in charge for not more than a total of two of the following: funeral establishments, centralized embalming facilities, direct disposal establishments, or cinerator facilities, as long as the two locations are not more than 75 miles apart as measured in a straight line.

Section 8. Paragraph (b) of subsection (2) of section 497.452, Florida Statutes, is amended, and paragraph (a) of that subsection is republished, to read:

497.452 Preneed license required.—

(2)(a) No person may receive any funds for payment on a preneed contract who does not hold a valid preneed license.

(b) The provisions of Paragraph (a) does do not apply to a trust company operating pursuant to chapter 660, to a national or state bank holding trust powers, or to a federal or state trust company.
savings and loan association having trust powers which company,
bank, or association receives any money in trust pursuant to the
sale of a preneed contract.

Section 9. Subsection (8) of section 497.453, Florida
Statutes, is amended to read:

497.453 Application for preneed license, procedures and
criteria; renewal; reports.—

(8) ANNUAL TRUST REPORTS.—

(a) On or before April 1 of each year, the preneed licensee
shall file in the form prescribed by rule a full and true
statement as to the activities of any trust established by it
pursuant to this part for the preceding calendar year.

(b) Any preneed licensee or group of preneed licensees
under common control that in aggregate sold in this state 15,000
or more preneed contracts in the preceding year shall
additionally comply with this paragraph.

1. As to each year, which is referred to in this paragraph
as “Year 1,” in which any preneed licensee or group of preneed
licensees under common control in aggregate sell in this state
15,000 or more preneed contracts, the licensee or licensees
shall, during the following year, which is referred to in this
paragraph as “Year 2”:

a. Prepare in regard to each such licensee a report of
preneed operations in this state in Year 1, on a form prescribed
by department rule;

b. Cause and pay for the report to be audited by an
independent certified public accounting firm concerning the
accuracy and fairness of the presentation of the data provided
in the report; and
c. By December 31 of Year 2, provide the report to the division, along with a written and signed opinion of the certified public accounting firm concerning the accuracy and fairness of the presentation of the data reported in the report.

2. The report required under subparagraph 1. shall be prepared and submitted using forms and procedures specified by department rule. The department may adopt rules specifying the format of, and procedures for, the report and the information to be included in the report.

Section 10. Paragraph (c) of subsection (1) of section 497.458, Florida Statutes, is amended to read:

497.458 Disposition of proceeds received on contracts.—

(1)

(c) Such deposits shall be made within 30 days after the end of the calendar month in which payment is received, under the terms of a revocable trust instrument entered into with a trust company operating pursuant to chapter 660, with a national or state bank holding trust powers, or with a federal or state savings and loan association holding trust powers.

Section 11. Subsection (7) is added to section 497.459, Florida Statutes, to read:

497.459 Cancellation of, or default on, preneed contracts; required notice.—

(7) NOTICE TO PURCHASER OR LEGALLY AUTHORIZED PERSON.—

(a) To ensure the performance of unfulfilled preneed contracts, upon the occurrence of the earliest of any of the following events, a preneed licensee shall provide to the purchaser or to the beneficiary’s legally authorized person written notice of the preneed licensee’s intent to distribute
funds in accordance with the terms of the preneed contract, if any obligation of the preneed licensee remains to be fulfilled under the contract:

1. Fifty years after the date of execution of the preneed contract by the purchaser.

2. The beneficiary of the preneed contract attains the age of 105 years of age or older.

3. The social security number of the beneficiary of the preneed contract, as shown on the contract, is contained within the United States Social Security Administration Death Master File.

(b)1. The notice in paragraph (a) must be provided by certified mail, registered mail, or permitted delivery service, return receipt requested, to the last known mailing address of the purchaser or the beneficiary’s legally authorized person, whichever is applicable, as provided to the preneed licensee. If the notice is returned as undeliverable within 30 calendar days after the preneed licensee sent the notice, the trustee shall perform a diligent search and inquiry to obtain a different address for the purchaser or the beneficiary’s legally authorized person, whichever is applicable. For purposes of this subparagraph, any address known and used by the purchaser or the beneficiary’s legally authorized person, whichever is applicable, for sending regular mailings or other communications from the purchaser or the beneficiary’s legally authorized person, whichever is applicable, to the preneed licensee or any address produced through a current address service or searchable database shall be included with other addresses produced from the diligent search and inquiry, if any. If the trustee’s
diligent search and inquiry produces an address different from
the notice address, the trustee shall mail a copy of the notice
by certified mail, registered mail, or permitted delivery
service, return receipt requested, to any and all addresses
produced as a result of the diligent search and inquiry.

2. If the purchaser or the beneficiary’s legally authorized
person, whichever is applicable, fails to respond to such notice
within 120 days after delivery of the last mailed notice under
subparagraph 1., the funds held in trust must be distributed in
accordance with the terms of the preneed contract, the trust
agreement, and any applicable provisions of chapter 717.

   (c) This subsection does not affect a purchaser’s rights to
cancel the preneed contract and receive a refund or a preneed
licensee’s obligations to refund established by this chapter.

   (d) The licensing authority shall have authority to adopt
rules for the review and approval of notice forms used by
preneed licensees to provide notice under this subsection.

Section 12. Subsection (2) of section 497.464, Florida
Statutes, is amended to read:

497.464 Alternative preneed contracts.—
(2) The contract must require that a trust be established
by the preneed licensee on behalf of, and for the use, benefit,
and protection of, the purchaser and that the trustee must be a
trust company operating pursuant to chapter 660, a national or
state bank holding trust powers, or a federal or state savings
and loan association holding trust powers.

Section 13. Subsection (8) of section 497.604, Florida
Statutes, is amended to read:

497.604 Direct disposal establishments, license required;
licensing procedures and criteria; license renewal; regulation; display of license.—

(8) SUPERVISION OF FACILITIES.—

(a) Effective October 1, 2010, Each direct disposal establishment shall have a full-time licensed funeral director acting as the direct disposer in charge, subject to s. 497.380(7). However, a licensed direct disposer may continue acting as the direct disposer in charge if, as of September 30, 2010:

1. The direct disposal establishment and the licensed direct disposer both have active, valid licenses.
2. The licensed direct disposer is currently acting as the direct disposer in charge of the direct disposal establishment.
3. The name of the licensed direct disposer was included, as required in paragraph (2)(c), in the direct disposal establishment’s most recent application for issuance or renewal of its license or was included in the establishment’s notice of change provided under subsection (7).

(b) The licensed funeral director in charge or licensed direct disposer in charge of a direct disposal establishment must be reasonably available to the public during normal business hours for the establishment and may be in charge of only one direct disposal establishment. The licensed funeral director in charge or licensed direct disposer in charge of the establishment is responsible for making sure the facility, its operations, and all persons employed in the facility comply with all applicable state and federal laws and rules. A funeral director in charge, with appropriate, active licenses, may serve as a funeral director in charge for not more than a total of two
of the following: funeral establishments, centralized embalming facilities, direct disposal establishments, or cinerator facilities, as long as the two locations are not more than 75 miles apart as measured in a straight line.

Section 14. Subsection (8) of section 497.606, Florida Statutes, is amended to read:

497.606 Cinerator facility, licensure required; licensing procedures and criteria; license renewal; regulation.—

(8) SUPERVISION OF FACILITIES.—Each cinerator facility shall have a one full-time licensed direct disposer in charge or a licensed funeral director in charge for that facility. Such person may be in charge of only one facility. Such licensed funeral director in charge or licensed direct disposer in charge shall be responsible for making sure the facility, its operations, and all persons employed in the facility comply with all applicable state and federal laws and rules. A funeral director in charge, with appropriate, active licenses, may serve as a funeral director in charge for not more than a total of two of the following: funeral establishments, centralized embalming facilities, direct disposal establishments, or cinerator facilities, as long as the two locations are not more than 75 miles apart as measured