

By Senator Saunders

37-1427-07

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A bill to be entitled

An act relating to preneed funeral contracts;  
amending s. 497.459, F.S.; removing a provision  
that allows a preneed licensee to fulfill its  
obligations under a preneed contract by  
subcontracting with a person located outside  
the licensee's market area or providing  
substitute items of equal or greater quality;  
providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (b) of subsection (2) of section  
497.459, Florida Statutes, is amended to read:

497.459 Cancellation of, or default on, preneed  
contracts.--

(2) CANCELLATION BY PURCHASER AFTER 30 DAYS.--

(b) Subject to the provisions of this paragraph  
~~subparagraphs 1. and 2.~~, a purchaser may cancel the  
merchandise portion of a preneed contract by providing written  
notice to the preneed licensee, and shall be entitled to a  
full refund of the purchase price allocable to the specific  
item or items of merchandise that the preneed licensee cannot  
or does not deliver in accordance with this subsection.

~~1-~~ Such refund shall be provided only if at the time  
that the preneed licensee is required to fulfill its  
obligations under the preneed contract the preneed licensee  
does not or cannot comply with the terms of the contract by  
actually delivering the merchandise, within a reasonable time,  
depending upon the nature of the merchandise purchased, after  
having been requested to do so.

