

**By** the Appropriations Committee on Agriculture, Environment, and General Government; the Committee on Banking and Insurance; and Senator Truenow

601-03232-26

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1                   A bill to be entitled  
2           An act relating to funeral, cemetery, and consumer  
3           services; amending s. 497.164, F.S.; prohibiting a  
4           licensee of funeral or cemetery services from entering  
5           into certain contracts, agreements, or arrangements;  
6           amending s. 497.263, F.S.; revising the procedures for  
7           applicants seeking a cemetery license; amending s.  
8           497.270, F.S.; conforming a provision to changes made  
9           by the act; amending s. 497.369, F.S.; revising the  
10          requirements for an applicant seeking licensure by  
11          endorsement to be an embalmer; amending s. 497.374,  
12          F.S.; revising the requirements for an applicant  
13          seeking licensure by endorsement to be a funeral  
14          director; amending s. 497.375, F.S.; deleting an  
15          exception to the educational requirements for an  
16          applicant seeking licensure to be a funeral director;  
17          amending s. 497.376, F.S.; revising the requirements  
18          for an applicant seeking a license by endorsement as a  
19          combination funeral director and embalmer; amending s.  
20          497.377, F.S.; revising the educational requirements  
21          for licensure to be a combination funeral director and  
22          embalmer intern; amending s. 497.386, F.S.;  
23          authorizing a licensee or a licensed facility to  
24          dispose of human remains in a specified manner if the  
25          legally authorized person of the decedent fails,  
26          neglects, or refuses to direct the disposition;  
27          amending s. 497.459, F.S.; revising the method in  
28          which a preneed licensee must send written notice to  
29          cancel a preneed contract; authorizing the Board of

601-03232-26

2026598c2

30 Funeral, Cemetery, and Consumer Services to adopt  
31 rules; amending s. 497.607, F.S.; revising the  
32 timeframe after which a funeral or direct disposal  
33 establishment may dispose of cremated remains if the  
34 remains have not been claimed; amending s. 627.404,  
35 F.S.; revising the exceptions to the prohibition  
36 relating to personal insurance; reenacting s.  
37 497.260(5), F.S., relating to cemeteries, exemptions,  
38 investigations, and mediation, to incorporate the  
39 amendment made to s. 497.263, F.S., in a reference  
40 thereto; providing an effective date.

41  
42 Be It Enacted by the Legislature of the State of Florida:

43  
44 Section 1. Subsection (6) is added to section 497.164,  
45 Florida Statutes, to read:

46 497.164 Solicitation of goods or services.—

47 (6) A licensee under this chapter may not enter into a  
48 contract, agreement, or other arrangement in which such licensee  
49 or any affiliated licensee becomes the exclusive or sole  
50 provider of funeral, cremation, refrigeration, or removal  
51 services for any entity that provides medical, palliative, or  
52 other end-of-life care and services to the general public.

53 Section 2. Paragraph (g) of subsection (2) of section  
54 497.263, Florida Statutes, is amended to read:

55 497.263 Cemetery companies; license required; licensure  
56 requirements and procedures.—

57 (2) APPLICATION PROCEDURES.—

58 (g) The proposed cemetery must contain at least 30

601-03232-26

2026598c2

59 ~~contiguous~~ acres. Such acreage must be contiguous, except that  
60 parcels of land divided solely by a public right-of-way or  
61 public road may be considered contiguous, provided the parcels  
62 are in close geographic proximity and form a unified cemetery  
63 property. The application must state the exact number of acres  
64 in the proposed cemetery and must identify any public rights-of-  
65 way or roads dividing the parcels. Parcels located in separate  
66 or distant geographic areas, even if along the same roadway or  
67 corridor, do not satisfy the contiguity requirement of this  
68 paragraph ~~The application shall state the exact number of acres~~  
69 ~~in the proposed cemetery.~~

70 Section 3. Subsection (2) of section 497.270, Florida  
71 Statutes, is amended to read:

72 497.270 Minimum acreage; sale or disposition of cemetery  
73 lands.—

74 (2) Any lands owned by a licensee and dedicated for use by  
75 it as a cemetery, which meet the criteria set forth in s.  
76 497.263(2)(g) ~~are in excess of a minimum of 30 contiguous acres,~~  
77 may be sold, conveyed, or disposed of by the licensee, after  
78 obtaining written approval pursuant to procedures and using  
79 ~~utilizing~~ forms specified by rule and consistent with subsection  
80 (3), for use by the new owner for other purposes than as a  
81 cemetery. All of the human remains which have been previously  
82 interred therein must ~~shall~~ first be ~~have been~~ removed from the  
83 lands proposed to be sold, conveyed, or disposed of; however,  
84 ~~the provisions of~~ ss. 497.152(8)(e) and 497.384 must be complied  
85 with before ~~prior to~~ any disinterment of human remains. ~~Any and~~  
86 All titles, interests, or burial rights which may have been sold  
87 or contracted to be sold in lands which are the subject of the

601-03232-26

2026598c2

88 sale must ~~shall~~ be conveyed to and revested in the licensee  
89 before ~~prior to~~ consummation of any such sale, conveyance, or  
90 disposition.

91 Section 4. Subsection (4) of section 497.369, Florida  
92 Statutes, is amended to read:

93 497.369 Embalmers; licensure as an embalmer by endorsement;  
94 licensure of a temporary embalmer.—

95 (4) Each applicant for licensure by endorsement shall ~~must~~  
96 pass the examination on local, state, and federal laws and rules  
97 relating to the disposition of dead human bodies ~~which is~~  
98 required under s. 497.368 and which shall be given by the  
99 licensing authority. Licensure by endorsement under subparagraph  
100 (1)(b)1. does not require any educational or testing  
101 requirements other than those required in this subsection.

102 Section 5. Subsection (4) of section 497.374, Florida  
103 Statutes, is amended to read:

104 497.374 Funeral directing; licensure as a funeral director  
105 by endorsement; licensure of a temporary funeral director.—

106 (4) Each applicant for licensure by endorsement shall ~~must~~  
107 pass the examination on local, state, and federal laws and rules  
108 relating to the disposition of dead human bodies ~~which is~~  
109 required under s. 497.373 and which shall be given by the  
110 licensing authority. Licensure by endorsement under subparagraph  
111 (1)(b)1. does not require education or testing requirements  
112 other than those required in s. 497.373(2)(b).

113 Section 6. Paragraph (b) of subsection (1) of section  
114 497.375, Florida Statutes, is amended to read:

115 497.375 Funeral directing; licensure of a funeral director  
116 intern.—

601-03232-26

2026598c2

117 (1)

118 (b)1. Except as provided in subparagraph 2., an applicant  
119 must hold the educational credentials required for licensure of  
120 a funeral director under s. 497.373(1)(d).

121 2. An applicant who has not completed the educational  
122 credentials required for a funeral director license is eligible  
123 for licensure as a funeral director intern if the applicant:

124 a. Holds an associate degree or higher in any field from a  
125 college or university accredited by a regional accrediting  
126 agency recognized by the United States Department of Education.

127 b. Is currently enrolled in and attending a licensing  
128 authority-approved course of study in mortuary science or  
129 funeral service arts required for licensure of a funeral  
130 director under s. 497.373(1)(d)2.

131 ~~e. Has taken and received a passing grade in a college~~  
132 ~~credit course in mortuary law or funeral service law and has~~  
133 ~~taken and received a passing grade in a college credit course in~~  
134 ~~ethics.~~

135 Section 7. Subsection (3) is added to section 497.376,  
136 Florida Statutes, to read:

137 497.376 License as funeral director and embalmer  
138 permitted.—

139 (3) An applicant for a combination license by endorsement  
140 as a funeral director and embalmer under s. 497.373 and s.  
141 497.369, respectively, is not required to meet any educational  
142 or testing requirements other than those in ss. 497.373(2)(b)  
143 and 497.369(4).

144 Section 8. Paragraph (a) of subsection (2) of section  
145 497.377, Florida Statutes, is amended to read:

601-03232-26

2026598c2

146 497.377 Combination funeral director and embalmer  
147 internships.-

148 (2) (a) An applicant who has not completed the educational  
149 credentials required for a combination license as both funeral  
150 director and embalmer is eligible for licensure as a combination  
151 funeral director and embalmer intern if the applicant:

152 1.  Holds an associate degree or higher in any field from a  
153  college or university accredited by a regional accrediting  
154  agency recognized by the United States Department of Education;  
155  or

156 2.  Is currently enrolled in and attending a college  
157  accredited by the American Board of Funeral Service Education  
158  (ABFSE) in a course of study in mortuary science accredited by  
159  ABFSE.

160  ~~2. Has completed at least 75 percent of the course of study~~  
161  ~~in mortuary science as certified by the college in which the~~  
162  ~~applicant is currently enrolled.~~

163  ~~3. Has taken and received a passing grade in a college~~  
164  ~~credit course in mortuary law or funeral service law and has~~  
165  ~~taken and received a passing grade in a college credit course in~~  
166  ~~ethics.~~

167 Section 9. Present subsections (6) and (7) of section  
168 497.386, Florida Statutes, are redesignated as subsections (7)  
169 and (8), respectively, and a new subsection (6) is added to that  
170 section, to read:

171 497.386 Storage, preservation, and transportation of human  
172 remains.-

173  (6) If any human remains have been in the lawful possession  
174  of any licensee or licensed facility for 90 days or more, and

601-03232-26

2026598c2

175 the legally authorized person of the decedent fails, neglects,  
176 or refuses to direct the disposition, the licensee or licensed  
177 facility may dispose of the human remains.

178 Section 10. Paragraph (b) of subsection (7) of section  
179 497.459, Florida Statutes, is amended to read:

180 497.459 Cancellation of, or default on, preneed contracts;  
181 required notice.—

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

183 (b)1. The notice in paragraph (a) must be provided by  
184 certified mail, registered mail, or permitted delivery service,  
185 ~~return receipt requested,~~ to the last known e-mail or mailing  
186 address of the purchaser or the beneficiary's legally authorized  
187 person, whichever is applicable, as provided to the preneed  
188 licensee. If the notice is returned as undeliverable within 30  
189 calendar days after the preneed licensee sent the notice, the  
190 trustee must ~~shall~~ perform a diligent search and inquiry to  
191 obtain a different e-mail or mailing address for the purchaser  
192 or the beneficiary's legally authorized person, whichever is  
193 applicable. The board may adopt rules to implement this  
194 subparagraph ~~For purposes of this subparagraph, any address~~  
195 ~~known and used by the purchaser or the beneficiary's legally~~  
196 ~~authorized person, whichever is applicable, for sending regular~~  
197 ~~mailings or other communications from the purchaser or the~~  
198 ~~beneficiary's legally authorized person, whichever is~~  
199 ~~applicable, to the preneed licensee or any address produced~~  
200 ~~through a current address service or searchable database shall~~  
201 ~~be included with other addresses produced from the diligent~~  
202 ~~search and inquiry, if any. If the trustee's diligent search and~~  
203 ~~inquiry produces an address different from the notice address,~~

601-03232-26

2026598c2

204 ~~the trustee shall mail a copy of the notice by certified mail,~~  
205 ~~registered mail, or permitted delivery service, return receipt~~  
206 ~~requested, to any and all addresses produced as a result of the~~  
207 ~~diligent search and inquiry.~~

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

214 Section 11. Paragraph (a) of subsection (3) of section  
215 497.607, Florida Statutes, is amended to read:

216 497.607 Cremation; procedure required.—

217 (3)(a) With respect to any person who intends to provide  
218 for the cremation of the deceased, if, after 90 ~~a period of 120~~  
219 days from the time of cremation the cremated remains have not  
220 been claimed, the funeral or direct disposal establishment may  
221 dispose of the cremated remains. Such disposal includes ~~shall~~  
222 ~~include~~ scattering them at sea or placing them in a licensed  
223 cemetery scattering garden or pond or in a church columbarium or  
224 otherwise disposing of the remains as provided by rule.

225 Section 12. Subsection (5) of section 627.404, Florida  
226 Statutes, is amended to read:

227 627.404 Insurable interest; personal insurance.—

228 (5) A contract of insurance upon a person, other than a  
229 policy of prepaid funeral contract, group life insurance or  
230 group or blanket accident, health, or disability insurance, may  
231 not be carried out ~~effectuated~~ unless, on or before the time of  
232 entering into such contract, the person insured, having legal

601-03232-26

2026598c2

233 capacity to contract, applies for or consents in writing to the  
234 contract and its terms, except that any person having an  
235 insurable interest in the life of a minor younger than 15 years  
236 of age or any person upon whom a minor younger than 15 years of  
237 age is dependent for support and maintenance may obtain  
238 ~~effectuate~~ a policy of insurance on the minor.

239 Section 13. For the purpose of incorporating the amendment  
240 made by this act to section 497.263, Florida Statutes, in a  
241 reference thereto, subsection (5) of section 497.260, Florida  
242 Statutes, is reenacted to read:

243 497.260 Cemeteries; exemption; investigation and  
244 mediation.—

245 (5) Any religious-institution-owned cemetery exempt under  
246 subsection (1), except those cemeteries qualifying under  
247 paragraph (1)(d), which becomes affiliated with a commercial  
248 enterprise must meet the requirements of s. 497.263.

249 Section 14. This act shall take effect July 1, 2026.