



DEPARTMENT OF FINANCIAL SERVICES
Division of Funeral, Cemetery, and Consumer Services
200 East Gaines Street
Tallahassee, FL 32399-0361

APPLICATION TO ORGANIZE A NEW CEMETERY COMPANY

Pursuant to Section 497.263, Florida Statutes.

NONREFUNDABLE APPLICATION FEE: \$5,005.00

This application form is for organizing a new cemetery company. As used in this application: "Division" refers to the Division of Funeral, Cemetery, and Consumer Services; "Board" refers to the Board of Funeral, Cemetery, and Consumer Services; "F.S." refers to Florida Statutes; "Principal" includes any person involved in the business enterprise; "Deathcare industry license" refers to any licensure as an embalmer, funeral director, direct disposer, funeral establishment, direct disposal establishment, centralized embalming facility, cinerator facility, removal service, refrigeration service, cemetery, monument establishment, or preneed sales business.

Unless specifically indicated otherwise, all questions and requests for data in this application relate to the applicant.

Section 1. APPLICANT INFORMATION

1A. Applicant name:

1B: Type of applicant (check one):

- ☐ Limited liability company (LLC)
☐ Corporation
☐ Partnership

1C. What type of application is this? Check applicable.

- ☐ 1. Application for organizing a new cemetery company
☐ 2. Application for approval of change in ownership of an existing cemetery company

If you checked box 2. above, please enter the license number and name of the cemetery company under its current owner:

License #: _____ Name: _____

1D. Organized Date (e.g., date articles of incorporation were filed):

FOR OFFICE USE ONLY

BT TYCL FT
V 3400 F \$5,000
3800 F \$
5 \$5,005

Subsection 1E. Applicant's Business Entity Information

- (1) Under the laws of what state was the applicant organized? _____
-) In what state is the applicant currently domiciled? _____
- (3) Is the applicant currently shown as an entity in good standing on the Florida Secretary of State, Division of Corporations website? **YES** **NO**
- (4) Attach written documentary evidence that the applicant is an entity in good standing under the business organization laws of Florida. (e.g., a "Certificate of Status" issued by the Division of Corporations of the Florida Department of State, or equivalent certification) ☐ Attached ☐ Not attached
- (5) If applicant is a corporation, limited liability company, or partnership, complete and attach to this application, the form entitled Business Entity-List of Principals, (see Section 497.141, F.S.).
- ☐ Attached ☐ Not attached

1F. Business Name:

If the license applied for is issued, will applicant do business under a name other than applicant's name as shown in this application? **YES** **NO**

If **YES**, state all names applicant will do business under that are different from applicant's name as shown in this application:

Section 2. CONTACT INFORMATION CONCERNING THIS APPLICATION

Enter the name and contact information of the person the Division should contact concerning this application.

Name of contact person:

Mailing address:

Phone number:

Email address:

Section 3. APPLICANT'S PREFERRED MAILING ADDRESS

Enter applicant's preferred mailing address the Division should use for routine correspondence and notices.

Street or PO Box:

City:

State:

Zip Code:

Section 4. ACTUAL BUSINESS LOCATION ADDRESS

Enter the street address where operations will be conducted, if the license is issued. NO post office boxes or non-street addresses are permitted in this section.

Street Address:

City:

County:

State:

Zip Code:

Section 5. OTHER LICENSURE INFORMATION

Does the applicant or any of its principals now hold, or has applicant or any of its principals in the past held, a deathcare industry license or registration in Florida or any other state or jurisdiction? YES NO

If the answer to the question above is YES, complete and attach to this application the [Other Licenses Form](#) for each current or prior license.

Section 6. ADVERSE LICENSING HISTORY QUESTIONS

(a) To the best of your knowledge, has the applicant or any of its principals ever had any deathcare industry license revoked, suspended, fined, reprimanded, or otherwise disciplined, by any regulatory authority in Florida or any other state or jurisdiction?

☐ YES ☐ NO

(b) To the best of your knowledge, has the applicant or any of its principals ever had any application for a deathcare industry license denied for any reason by any regulatory authority in Florida or any other state or jurisdiction?

☐ YES ☐ NO

(c) To the best of your knowledge, has the applicant or any of its principals ever voluntarily relinquished or surrendered a deathcare industry license while under investigation, or after initiation of a disciplinary proceeding against you or the licensee?

☐ YES ☐ NO

(d) To the best of your knowledge, is the applicant or any of its principals under investigation by any regulatory or law enforcement authority in Florida or any other state or jurisdiction in regard to alleged misconduct or incompetency in the performance of work under a deathcare industry license?

☐ YES ☐ NO

If the answer to any of the questions above is YES, completed and attach to this application, an [Adverse Licensing Action History Form](#).

Section 7. CRIMINAL HISTORY QUESTIONS

For this section, "person subject to disclosure requirements" refers to and includes the following persons:

1. If the applicant is a corporation, all principals of that corporation.
2. If the applicant is a limited liability company, all principals of the limited liability company.
3. If the applicant is a partnership, all principals of the partnership.
4. The licensed funeral director in charge.

(see Section 497.142, F.S.)

Has any person subject to disclosure requirements ever plead guilty, been convicted, or entered a plea in the nature of no contest, regardless of whether adjudication was entered or withheld by the court in which the case was prosecuted, in the courts of Florida or another state of the United States or a foreign country, regarding any crime indicated below:

a. Any felony no matter when committed?

☐ YES ☐ NO

b. Any misdemeanor, no matter when committed, that was directly related to the practice or activities regulated under chapter 497, F.S.?

☐ YES ☐ NO

c. Any other misdemeanor not already disclosed under question b. above, which was committed within the five (5) years immediately preceding the date this application is submitted?

☐ YES ☐ NO

If **YES** was checked as to a, b, and/or c in section 7, list every person to whom any of the **YES** answers apply:

1.

4.

2.

5.

3.

6.

If the answer to any of the above questions is YES, complete and attach to this application a [Criminal History Form](#), which must be filed by each person subject to disclosure requirement for whom the YES answer applies.

Section 8. PRIOR NAME INFORMATION

Has the applicant used or been known by any name other than the name under which you make this application?

☐ **YES** ☐ **NO**

If you answered **YES**, enter in the space below every such prior name in full, and the period it was used (attach additional pages if necessary):

1.

2.

3.

4.

Section 9. MISCELLANEOUS MATTERS

1. Exact Location of Proposed Cemetery:

2. Exact Number of Acres in the Proposed Cemetery (must be at least 30 contiguous acres):

3. Identify any public rights-of-way or roads that divide parcels of the cemetery acreage:

4. Attach additional pages if necessary. **Attached Not Attached**

5. Attach to this application a copy of the legal description of the cemetery (e.g. maps, surveys, and development plans).

Attached

Not Attached

6. Attach to this application a [Financial Statement, Form DFS-F-32](#), for each principal of the applicant's business entity.

Attached

Not Attached

7. Attach to this application the business plan meeting the requirements of Rule 69K-5.009, F.A.C., including the proposed financial structure of the cemetery, capital structure, and projected revenues and costs.

Attached

Not Attached

8. Attach to this application a [Historical Sketch, Form DFS-HistS](#), for each principal of the applicant's business entity.

Attached

Not Attached

9. Attach to this application written approval from the governing zoning authority, or if none exists, from a majority of the adjacent property owners.

Attached

Not Attached

10. Attach to this application a copy of the signed sales agreement.

Attached

Not Attached

11. Do you understand that after licensure, you have a continuing duty under Section 497.146, F.S., to notify the Division within 30 days of any change in your mailing address? **YES NO**

To notify the Division of a change in mailing address, submit a [Change of Mailing Address or Contact Data - Individuals](#), or a [Change of Mailing Address or Contact Data - Entities](#).

12. Do you understand that as part of this application, you must submit fingerprints for a criminal background check?

YES NO

[Instructions for Fingerprint Submission](#)

13. Applicant may attach to this application additional pages to explain any answer herein, or provide additional information the applicant desires the Division and Board to consider regarding this application.

Are you attaching any such additional pages? ☐ YES ☐ NO If YES, how many pages: _____

Section 10. APPROVAL OF A CHANGE IN OWNERSHIP

Answer the following only if this is an application for approval of a change in ownership.

1. Is this establishment currently the qualifying entity, per Section 497.453, F.S., for any preneed licensee?

☐ YES ☐ NO

If YES, state the name and license number of the preneed licensee:

Name: _____

License Number: _____

2. To the best of the knowledge and belief of the current owner and proposed new owner of this establishment, are there currently any unfulfilled preneed contracts held by this establishment, or are there any preneed contracts that are otherwise the obligations of this establishment? (check one) ☐ YES ☐ NO

3. If there are currently any unfulfilled preneed contracts held by this establishment or any preneed contracts that are otherwise the obligations of this establishment, will the obligation to fulfill those preneed contracts be assumed by the proposed new owner identified herein? (check one and include a signed and dated statement asserting the same)

☐ YES ☐ NO

Section 11. MILITARY STATUS

Pursuant to Section 497.140, F.S., a member of the United States Armed Forces, such member's spouse, and a veteran of the United States Armed Forces who separated from service within two (2) years preceding the application for licensure, are exempt from the special unlicensed activity fee of \$5.00 associated with initial licensure.

Are you a member of the United States Armed Forces, such member's spouse, or a veteran of the United States Armed Forces who separated from service within the last two (2) years?

NO

YES

If YES, attach one of the following to this application:

Military identification card

Military dependent identification card

Military service record

Military personnel file

Veteran record

Discharge paper

Other separation document that indicates such member is currently in good standing or such veteran was honorably discharged

Section 12. FEIN OR SOCIAL SECURITY NUMBER

Enter Applicant's FEIN or Social Security Number:

Purpose and Use:

Pursuant to the Privacy Act of 1974, 5 U.S.C. Section 552a, the State is responsible for informing you whether disclosure of your social security number is mandatory or voluntary, by what statutory or other authority your social security number is solicited, and what uses will be made of your social security number. Under section 119.071(5)(a)2., F.S., a state agency may collect your social security number if the collection is specifically authorized by law or if it is imperative for the performance of the agency's duties and responsibilities as prescribed by law.

Disclosure of your social security number on this form is: mandatory pursuant to 42 U.S.C. Section 405, 42 U.S.C. Section 666(a), and section 497.141, F.S. The purpose(s) for the requested information is that social security numbers collected will be used by the Department of Financial Services and the Board of Funeral, Cemetery and Consumer Services as follows: identification of applicants; obtaining background checks on applicants; obtaining information from authorities in other states; investigation of applicants and licensees concerning asserted violations of applicable law or rules; enforcement of child support obligations. Your social security number is confidential and exempt from the disclosure requirements of section 119.07(1), F.S., and section 24(a), Article I of the Florida Constitution and will not be used for any purpose other than the purpose(s) provided herein, or as otherwise authorized under section 119.071(5)(a), F.S.

A copy of this Privacy Statement is provided to you as required by section 119.071(5)(a)3., F.S.

Section 13. APPLICANT'S CERTIFICATION & SIGNATURE

Per Section 497.141, F.S., all applications shall be signed by the applicant as follows:

1. If the applicant is a corporation, all principals of that corporation.
2. If the applicant is a limited liability company, all principals of the limited liability company.
3. If the applicant is a partnership, all principals of the partnership.
4. The licensed funeral director in charge.

(13a) Applicant's Signature.

Under penalties of perjury, I, the applicant or applicant's authorized signatory, do hereby declare that I have read the foregoing application and all attachments, and the facts stated in it are true and correct.

I declare that, prior to commencing operations under this license, I have complied or I will comply with all requirements under chapter 497, F.S., relating to the license for which I have applied.

I hereby authorize any court, law enforcement agency, or licensing authority to release or make available to the Division of Funeral, Cemetery, and Consumer Services, Florida Department of Financial Services, and to the Florida Board of Funeral, Cemetery, and Consumer Services, any and all information in their files concerning the applicant.

Signature of Applicant

Date Signed

Name and Title

(13b) Change of Ownership. For an application for approval of a change in ownership of the establishment, an officer or other duly authorized representative of the current owner must complete Section 10, Approval of a Change in Ownership, and sign and date below, to signify their agreement that the applicant is authorized to file this application.

(Do not complete if application for cemetery licensure)

Signature of Current Owner

Date signed

Name of person who signed above for current owner: _____

Select title of person signing above for current owner:

☐ Owner

☐ Officer

☐ Managing member of LLC

☐ Other as follows: _____

Mail completed application with all attachments and required fees to:

Division of Funeral, Cemetery, and Consumer Services

Revenue Processing Office

P.O. Box 6100

Tallahassee, FL 32314-6100

Attach check or money order payable to Department of Financial Services