

FLORIDA STATE COLLEGE AT JACKSONVILLE

COLLEGE CREDIT COURSE OUTLINE

COURSE NUMBER:	FSE 2080
COURSE TITLE:	Funeral Law
PREREQUISITE(S):	None
COREQUISITE(S):	None
CREDIT HOURS:	3
CONTACT HOURS/WEEK:	3
CONTACT HOUR BREAKDOWN:	
Lecture/Discussion:	3
Laboratory:	
Other _____:	
FACULTY WORKLOAD POINTS:	3
STANDARDIZED CLASS SIZE	
ALLOCATION:	25

COURSE DESCRIPTION: The course of study will include legal methods of disposition, legal responsibilities of the funeral practitioner, common and statutory laws, Florida laws regulating funeral practices and establishments, crematory and cemetery laws, and probate laws for estates. The student will trace the laws that govern the funeral director and the embalmer and their legal responsibilities to the consumer. Knowledge will be gained concerning the legal status of a dead human body, necessities of disposition, methods of disposition, rights and parties undertaking responsibility of disposition, custodial rights of the dead human remains, contract laws, right of disposition, control of the funeral, general rules of priority pertaining to next of kin, mental anguish, photographs, confidentiality, negligent acts by the funeral director and/or embalmer, mutilation laws, injury to pallbearers, Clergy and staff, physical impact, collection against an estate, primary obligor, estate liability, cremation, authorization, commingling of remains, personal effects, storage and shipping of remains.

SUGGESTED TEXT(S):	Stueve, T.F. (1995). <u>Mortuary Law</u> . Cincinnati, OH: The Cincinnati Foundation. (Latest Edition)
	Chapter 497 Florida Statutes on Florida Funeral Services and Embalming. (Latest Florida Statutes)
IMPLEMENTATION DATE:	Spring Term, 2002
REVIEW OR MODIFICATION DATE:	Fall Term, 2002 (20031) Fall Term, 2008 (20091) - Outline Review 2007

COURSE TOPICS	<u>CONTACT HOURS PER TOPIC</u>
I. Constitutional Law	8
II. Probate Law	8
III. Florida Statutes, Regulations, and Rules	7
IV. Final Disposition	5
V. Liability of funeral expenses	5
VI. Torts involving the Dead Human Body	8
VII. Mental Anguish	4

PROGRAM TITLE: Funeral Services

COURSE TITLE: Funeral Law

CIP NUMBER: CIP: 1312030100 (AS); CIP: 0312030100 (AAS)

LIST PERFORMANCE STANDARD ADDRESSED:

NUMBER(S): TITLES(S):

- 08.0 TAKE CARE OF THE DEAD IN A MANNER WHICH RECOGNIZES THE INHERENT DIGNITY OF MAN--
The student will be able to:
- 08.01 Give evidence of respect for human remains.
- 09.0 IDENTIFY THE PRIVILEGES OF AND BE ABLE TO, THROUGH PROFESSIONAL PRACTICES, FULFILL THE RESPONSIBILITIES OF LICENSURE--The student will be able to:
- 09.01 Identify the privileges and their limitations accorded the licensee with regard to caring for the dead, and serving the living.
- 09.02 Identify the responsibilities of the funeral director to those who have called him with regard to:
- 09.02.01 Providing services and merchandise as selected.
- 09.02.02 Explaining the financial aspects of the funeral, and pricing method used.
- 09.02.03 Explaining death benefits and/or burial allowances.
- 09.02.04 Notifying the clergy of the death, if appropriate.
- 09.02.05 Coordinating with the clergy on religious aspects of the funeral.
- 09.02.06 Explaining merchandise and related representations regarding final description.
- 09.02.07 Preparing a financial memorandum pertaining to services, selected merchandise, supplemental items and cash advances.
- 09.02.08 Explaining applicable laws, rules and regulations.
- 09.02.09 Referring for professional counseling where family needs so indicate.
- 09.03 Identify the responsibilities of the funeral director to his profession with regard to:
- 09.03.01 Costs and procedures instituted where the services of two funeral directors are required.
- 09.03.02 Public education regarding funeralization.
- 09.02 Identify the responsibilities of the funeral director to the clergy in the matter of the policies, rules and regulations of churches.
- 09.05 Perform the following tasks applicable to the state in which he intends to gain a license:
- 09.05.01 State the limitations placed upon the practice of the funeral director/embalmer.
- 09.05.02 Summarize the law, rules and regulations pertaining to:
- 09.05.02.01 The transportation of the dead.
- 09.05.02.02 Requirements and specifications of the funeral home, including the preparation room.
- 09.05.02.03 Define terms specified in the license laws, rules and regulations.
- 09.05.02.04 Identify the qualifications required of applicants for funeral director/mortician license.

LIST PERFORMANCE STANDARD ADDRESSED: (CONTINUED)

NUMBER(S):	TITLES(S):
	09.05.02.05 Identify the grounds for issuance, revocation, suspension or refusal to renew or issue licenses.
	09.05.02.06 Identify requirements for the conducting of funerals.
	09.05.02.07 Identify the procedures for filing a complaint concerning a violation of the licensing law.
	09.05.02.08 Identify provisions regarding reciprocity/courtesy cards.

10.0 INTERPRET AND COMMUNICATE THE PURPOSES, PROCEDURES, AND VALUES OF FUNERAL SERVICES--The student will be able to:

- 10.01 Identify the purposes, which the funeral serves for the family, friends, church, occupational associates, and community of the deceased.
- 10.03 Define common terms used in funeral services.
- 12.02 Identify the items of information, which are necessary to complete the following forms:
 - 12.02.01 Obituary
 - 12.02.02 Death certificate
 - 12.02.03 Social Security forms (SSA, 719, SSA 721)
 - 12.02.04 Veteran's forms (Marker, Flag, Burial Allowance)
 - 12.02.05 Burial/Transportation permits
 - 12.02.06 Release/Authorization forms
- 12.03 Identify the person(s) who are qualified to give permission for release of the deceased from a hospital, or to sign the hospital death record, if required.
- 12.04 Identify the information to be secured from, and given to, the family upon initial family contact.
- 12.05 Describe the multiple steps required between initial notification of death and removal of the deceased.
- 12.06 Identify person(s) who qualify to authorize autopsy and embalming, and to approve the purpose and disclosure statement.
- 12.07 Identify the items and considerations usually included in the arrangement conference.
- 12.08 Identify the purpose of the death certificate.
- 12.11 Describe the multiple steps required between initial notification of death and removal of the deceased when the bereaved are not present at the time of death, regardless of the place or manner of death - including, but not limited to, the funeral director's determination of the need for a personal conference and/or counseling of the bereaved prior to the funeral arrangement conference.
- 12.13 Describe the proper techniques and equipment employed in the dignified removal of remains under diverse conditions.
- 12.14 Identify the reasons, which require a discussion involving the family, the officiating clergyman, and the funeral director regarding visitation hours, time of funeral, and other aspects of the service.
- 12.15 Identify the purpose of the Burial-Transit Permit.
- 12.16 Write obituary and death notices.
- 12.27 Identify requirement/procedure pertaining to cremation, calcination and burial at sea.

LIST PERFORMANCE STANDARD ADDRESSED: (CONTINUED)

NUMBER(S): TITLES(S):

13.0 IDENTIFY AND COMPLY WITH THE LAWS PERTAINING TO FUNERAL SERVICE PRACTICE AND PUBLIC HEALTH--The student will be able to:

- 13.01 Identify legally:
- 13.01.01 The nature of the right of the funeral director to take custody of a dead body, and the length of time such custody may be exercised.
 - 13.01.02 The procedures for recovering the body.
 - 13.01.03 The theory governing the right to recover for mutilation of a body, and the reasons for recovery of damages when mutilation results from negligence.
 - 13.01.04 The duty of the funeral director regarding the personal effects of a decedent.
 - 13.01.05 The basis of a funeral director's liability for the negligence of a volunteer driver in a funeral procession.
 - 13.01.06 The legal duty of a funeral director regarding permits required by law.
 - 13.01.07 The reasons for legal limitation on a funeral bill charged against an estate where creditor's claims exceed the assets of the estate.
 - 13.01.08 How a testator may provide in his will for the payment of funeral expenses.
 - 13.01.09 The duty of the funeral director for compliance with the Federal Trade Commission Funeral Rules.
 - 13.01.10 The duty of the funeral director for compliance with the Magnuson-Moss Warranty Act (1975).
 - 13.01.11 The duty of the funeral director for compliance with the provisions of Federal Wage and Hour Laws.
- 13.02 Describe status of a funeral bill as a charge against the estate.
- 13.03 Identify:
- 13.03.01 The conditions under which a funeral director must have permission before permitting an autopsy in his establishment, and state whether that permission may be qualified, restricted or revoked.
 - 13.03.02 The liability of an embalmer for shaving a beard, cutting hair or otherwise altering the appearance of a body.
 - 13.03.03 The legal duty of the funeral director regarding the personal effects of a decedent.
 - 13.03.04 The extent of control a funeral director has over a funeral, and his legal duties to those attending a funeral or viewing a body at his funeral home.
 - 13.03.05 The general rule in the determination of the validity of funeral expenses.
 - 13.03.06 Which items are allowable in a funeral bill and which items are not allowable.
 - 13.03.07 The legal basis for the modifications of the common law rule imposing liability upon the husband for the wife's funeral expenses.
 - 13.03.08 Under what legal basis a widow may be required to pay the funeral expense of her deceased indigent husband.
- 13.04 Identify:
- 13.04.01 The liability of a volunteer who individually contracts to pay a funeral bill.
 - 13.04.02 The liability of an executor or administrator for funeral expenses.
 - 13.04.03 Why a funeral director should be familiar with the law of disinterment.
 - 13.04.04 The circumstances under which exhumation is permitted in criminal cases, and in civil cases.

LIST PERFORMANCE STANDARD ADDRESSED: (CONTINUED)

NUMBER(S):	TITLES(S):
13.04.05	The usual procedure for obtaining a disinterment authorization, and the legal principles under which disinterment statutes are upheld.
13.04.06	Who has the primary right to disinter a body, and the nature of the crime of disinterment without proper authorization.
13.04.07	The grounds upon which a funeral home can be prohibited from further operation in a residential district.
13.04.08	Whether a funeral home may be excluded from a sub-division by agreement of the property owners.
13.04.09	The conditions under which a funeral home or cemetery may be considered a nuisance per se.
13.04.10	Why the power of eminent domain may be invoked to acquire land for a public cemetery.
13.04.11	The power under which cemeteries may be regulated by the state, and what specific action must be taken to convert land to cemetery use.
13.04.12	The authority under which a private cemetery may enforce rules which control burial in it.
13.04.13	Why the owner of a cemetery lot may not use it for purposes other than burial, and whether or not he has the right to decorate and mark the grave.
13.04.14	Under what authority cemeteries are required to provide admittance to graves.
13.04.15	What kind of offense the grave desecration is.
13.05	Identify:
13.05.01	The essentials of a valid contract.
13.05.02	The reasons for maintaining death certificates.
13.05.03	How the remains may be transported by common carrier.
13.05.04	The legal consideration where persons die without medical attention.
13.05.05	The general order of nearest of kin including all relatives.
13.05.06	The legal implications of the concept of a "Decent Christian Burial."
13.05.07	Two reasons for filing an embalming report for each body prepared by the funeral home.
13.05.08	The function of a court of equity.
13.05.09	Two classes of bodies legally available for dissection.
13.05.10	The legal doctrine regarding the photographing of a dead body.
13.05.11	The privileges and limitations of one holding the power of attorney.
13.05.12	The liability of the funeral director for the custody of the remains.
13.06	Describe the legal basis for funeral service licensure stating the legal obligation of funeral and its purpose.
13.07	Identify:
13.07.01	The doctrine of <u>Stare Decesis</u> .
13.07.02	Whether a person may dispose of his body by will, whether a dead body may be insured, and whether it may be bought and sold.
13.07.03	Whether a dead body may be the subject of an action of replevin.
13.07.04	The authority of a ship over dead bodies.
13.07.05	The restrictions on burials of those dying of a communicable disease.
13.07.06	The conditions under which a dead body must be embalmed.

LIST PERFORMANCE STANDARD ADDRESSED: (CONTINUED)

NUMBER(S):	TITLES(S):
13.07.07	The effect of the decedent's wishes with respect to exercising the right and duty of disposition.
13.07.08	The proper position the funeral director should take when survivors of a decedent disputes the exercise of the right of disposition.
13.08	Define cremation and list the circumstances under which it is illegal.
13.09	Describe the rights of a party in controlling a funeral, and the rights of a party to attend a funeral.
13.10	Define "funeral contract", and state the legality of funeral contracts made by a decedent prior to death.
13.11	Describe the rights of the decedent in pre-arranging his own funeral.
13.12	Describe the legal limitation imposed in pre-arrangement agreements.
13.13	Describe the legal status of a dead body.
13.14	Identify the legal theory governing the right to recover from mutilation of a body, and the reasons for recovery of damages when mutilation results from negligence.
13.15	Identify the circumstances under which the state or one of its subdivisions is liable for funeral expenses.
13.16	Define and give the purpose of a Coroner's/Medical investigator's inquest and inquiry.
13.17	Identify the rules and regulations governing burial in a National Cemetery.
13.18	Distinguish between the property and no-property theories of dead human bodies.
13.19	Identify two sources from which the rights and duties of a funeral director are derived.
13.20	Identify those steps a funeral director should take before building or purchasing a funeral home.
13.21	Distinguish between a cooperation, a partnership, and a proprietorship, and state the advantages and disadvantages of each.
13.22	Identify two forms of legally binding sales contracts.
13.23	Identify the conditions under which a note would be considered void.
13.24	Identify the preferred persons in the granting of letters of administration.
13.25	Distinguish between a stock and a bond.



NOTE: Use either the Tab key or mouse click to move from field to field. The box will expand to accommodate your entry.

Section 1	
COURSE PREFIX AND NUMBER: FSE-2080	SEMESTER CREDIT HOURS: 3
COURSE TITLE: FUNERAL LAW	

Section 2		
TYPE OF COURSE: (Click on the box to check all that apply)		
<input type="checkbox"/> AA Elective	<input checked="" type="checkbox"/> AS Required Professional Course	<input type="checkbox"/> College Prep
<input type="checkbox"/> AS Professional Elective	<input checked="" type="checkbox"/> AAS Required Professional Course	<input type="checkbox"/> Technical Certificate
<input type="checkbox"/> Other _____	<input type="checkbox"/> PSAV	<input type="checkbox"/> Apprenticeship
<input type="checkbox"/> General Education: (For General Education courses, you must also complete Section 3 and Section 7)		

Section 3 (If applicable)		
INDICATE BELOW THE DISCIPLINE AREA FOR GENERAL EDUCATION COURSES:		
<input checked="" type="checkbox"/> Communications	<input checked="" type="checkbox"/> Social & Behavioral Sciences	<input type="checkbox"/> Mathematics
<input type="checkbox"/> Natural Sciences	<input checked="" type="checkbox"/> Humanities	

Section 4					
INTELLECTUAL COMPETENCIES:					
<input checked="" type="checkbox"/> Reading	<input checked="" type="checkbox"/> Speaking	<input checked="" type="checkbox"/> Critical Analysis	<input checked="" type="checkbox"/> Quantitative Skills	<input checked="" type="checkbox"/> Scientific Method of Inquiry	
<input checked="" type="checkbox"/> Writing	<input checked="" type="checkbox"/> Listening	<input checked="" type="checkbox"/> Information Literacy	<input checked="" type="checkbox"/> Ethical Judgment	<input checked="" type="checkbox"/> Working Collaboratively	

Section 5		METHOD OF ASSESSMENT
LEARNING OUTCOMES		
1	Recognize and understand legal issues to avoid liability	Written test, case research,
2	Identify documents required to prepare funeral services	Observations, preparing sample documents
3	Identify relationships between the right and duties liabilities' of funeral director and the consumer	Law research of cases, written test, discussion, writing briefs
4	Identify and discuss the law of the state	Reading, discussion, written test
5	Identify the use of ethics under the law state statutes and federal law	Reading, written testing, law research of example cases
6	Continued respect for the dead human remains	Ethics and example
7		
8		
9		

Section 6	
Name of Person Completing This Form: Roy C. Weimert	Date: <u>9/25/2007</u>