

THE FLORIDA SENATE
2013 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/HB 171 — Disposition of Human Remains

by Health Quality Subcommittee; and Rep. Rooney and others (CS/SB 370 by Regulated Industries Committee and Senator Sachs)

The bill amends various provisions relating to the disposition of human remains. The bill:

- Defines the term “final disposition” to include anatomical donation;
- Adds the Department of Health as an authorized issuer of extensions of time to provide the medical certification and of burial-transit permits, adds the appropriate district medical examiner as one of the persons who must file a death certificate, permits electronic transfer of medical certification of cause of death, and clarifies the obligations of primary and attending physicians;
- Defines several terms to have the same meaning as provided in ch. 497, F.S.;
- Defines a nontransplant anatomical donation organization as a tissue bank or other organization that facilitates nontransplant anatomical donations, including activities such as referral, obtaining of consents and authorizations, acquisition, transport, assessment of acceptability of donors, preparation, storage, release, evaluation of intended use, distribution, and final disposition of donations.
- Directs any person or entity that has possession, charge, or control of unclaimed human remains that will be buried or cremated at public expense, to notify the anatomical board at the University of Florida Health Science Center (board), and specifies the situations in which notification of the board is not required;
- Defines the reasonable effort that must be undertaken to identify deceased persons and veterans who may be eligible for burial in a national cemetery, and to dispose of unclaimed remains;
- Authorizes the board to embalm the human remains that it receives;
- Permits a funeral director licensed under ch. 497, F.S., to act as a legally authorized person for the unclaimed remains when no family exists or is available, and releases a funeral director from liability for damages when exercising that authority;
- Provides that, when the identity of the unclaimed remains cannot be ascertained, the remains may not be cremated, donated as an anatomical gift, buried at sea, or removed from the state;
- Authorizes counties to dispose of unclaimed remains by burial or cremation pursuant to an ordinance or resolution if the remains are not claimed by the board;
- Clarifies that competing claims for unclaimed remains are prioritized according to the priority of legally authorized persons provided in s. 497.005, F.S.;
- Permits the board to lend remains to accredited colleges of mortuary science for education or research purposes;
- Authorizes the board to pay or reimburse the reasonable expenses, as determined by the board, for the transportation, removal, or storage of unclaimed remains by licensed funeral establishments or removal services;
- Requires the board, rather than the Department of Financial Services (DFS), to keep a record of all fees and other financial transactions, and authorizes the University of Florida

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to audit these records using an accounting firm paid by the board at least once every three years and provide DFS with the audit;

- Limits the conveyance of human remains by the board outside the state for educational or scientific purposes;
- Allows third parties to convey human remains or any part outside the state for dental education or research purposes, with proper notice to and approval by the board;
- Creates an exception for nontransplant anatomical donation organizations that are accredited by the American Association of Tissue Banks (AATB) to convey human remains into or outside the state, for medical or dental education or research purposes;
- Requires that the original burial-transit permit must accompany human remains received by the board or a nontransplant anatomical donation organization;
- Requires that a nontransplant anatomical donation organization must obtain written consent to dissect, segment, or disarticulate human remains, with such consent expressly stating the long-term preservation or extensive preparation methods that may be used on the remains being dissected, segmented or disarticulated; and
- Prohibits the giving by any person, institution or organization of any monetary inducement or other valuable consideration to the donor's estate, or other third party. It permits the payment or reimbursement of the reasonable costs associated with the removal, storage, and transportation of human remains, including payment or reimbursement to a funeral establishment or removal service, or the reasonable costs after use, including the disposition of human remains.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 38-0; House 115-0