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1                                   A bill to be entitled  
2           An act relating to funeral directing, embalming, and  
3           direct disposition; amending s. 470.002, F.S.; revising  
4           and providing definitions; amending s. 470.0085, F.S.;  
5           extending the embalmer apprentice period; amending s.  
6           470.021, F.S.; providing additional requirements to be a  
7           direct disposal establishment; providing inspection  
8           requirements and criteria; amending s. 470.024, F.S.;  
9           revising requirements to be a funeral establishment;  
10          amending s. 470.025, F.S.; revising cremation requirements  
11          for cinerator facilities relating to simultaneous  
12          cremations, body parts, cremation containers, and the  
13          cremation chamber; providing exemption from liability for  
14          unintentional or incidental commingling of remains under  
15          certain conditions; amending s. 470.0255, F.S.; providing  
16          for cremation of parts of human bodies incidental to final  
17          disposition; amending s. 470.028, F.S.; providing for  
18          control and supervision of preneed agents; amending s.  
19          470.029, F.S.; extending the filing time for reports of  
20          bodies embalmed or handled; amending s. 470.0294, F.S.;  
21          expanding authority of legally authorized persons with  
22          respect to fetal remains; amending s. 470.031, F.S.;  
23          prohibiting any guarantee on the future price of any goods  
24          or services; providing penalties; amending s. 470.0355,  
25          F.S.; revising requirements for identification of human  
26          remains prior to final disposition; providing requirements  
27          for identification of human remains in licensed and  
28          unlicensed cemeteries and by direct disposal  
29          establishments; reenacting s. 470.036, F.S., relating to  
30          disciplinary proceedings, to incorporate the amendment to



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31 s. 470.031, F.S., in a reference thereto; providing an  
 32 effective date.

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

36 Section 1. Section 470.002, Florida Statutes, is amended  
 37 to read:

38 470.002 Definitions.--As used in this chapter:

39 (1)~~(15)~~ "Alternative container" means a nonmetal  
 40 receptacle or enclosure which is less expensive than a casket  
 41 and of sufficient strength to be used to hold and transport a  
 42 dead human body.

43 (2)~~(22)~~ "At-need solicitation" means any uninvited contact  
 44 by a funeral director or direct disposer for the purpose of the  
 45 sale of funeral services or merchandise to the family or next of  
 46 kin of a person after that person has died.

47 (3)~~(2)~~ "Board" means the Board of Funeral Directors and  
 48 Embalmers.

49 (4) "Body parts" means:

50 (a) Limbs or other portions of the anatomy that are  
 51 removed from a person or human remains for medical purposes  
 52 during treatment, surgery, biopsy, autopsy, or medical research;  
 53 or

54 (b) Human bodies or any portions of human bodies which  
 55 have been donated to science for medical research purposes.

56 (5)~~(16)~~ "Casket" means a rigid container which is designed  
 57 for the encasement of human remains for burial, ~~and~~ which is  
 58 usually constructed of wood or metal, ornamented, and lined with  
 59 fabric, and which may or may not be combustible.



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60        ~~(6)(27)~~ "Centralized embalming facility" means a facility,  
 61 not physically connected with a funeral establishment, in which  
 62 embalming takes place.

63        ~~(7)(14)~~ "Cinerator" means a facility where dead human  
 64 bodies are reduced to a residue, including bone fragments, by  
 65 direct flame, also known as "cremation," or by intense heat,  
 66 also known as "calcination."

67        (8) "Closed container" means any container in which  
 68 cremated remains can be placed and closed in a manner so as to  
 69 prevent leakage or spillage of the remains.

70        (9) "Cremated remains" means all the remains of the human  
 71 body recovered after the completion of the cremation process,  
 72 including processing or pulverization which leaves only bone  
 73 fragments reduced to unidentifiable dimensions and may include  
 74 the residue of any foreign matter, including casket material,  
 75 bridgework, or eyeglasses that were cremated with the human  
 76 remains.

77        ~~(10)(24)~~ "Cremation" means the technical process, using  
 78 direct flame and heat, that reduces human remains to bone  
 79 fragments through heat and evaporation. Cremation includes the  
 80 processing and usually includes the pulverization of the bone  
 81 fragments ~~includes any mechanical or thermal process whereby a~~  
 82 ~~dead human body is reduced to ashes and bone fragments.~~  
 83 ~~Cremation also includes any other mechanical or thermal process~~  
 84 ~~whereby human remains are pulverized, burned, reinterred, or~~  
 85 ~~otherwise further reduced in size or quantity.~~

86        (11) "Cremation chamber" means the enclosed space within  
 87 which the cremation process takes place. Cremation chambers  
 88 covered by these procedures must be used exclusively for the  
 89 cremation of human remains.



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90        (12) "Cremation container" means the container in which  
91 the human remains are transported to and placed in the cremation  
92 chamber for a cremation. A cremation container should meet  
93 substantially all of the following standards:

94        (a) Be composed of readily combustible materials suitable  
95 for cremation.

96        (b) Be able to be closed in order to provide a complete  
97 covering for the human remains.

98        (c) Be resistant to leakage or spillage.

99        (d) Be rigid enough to be handled with ease.

100       (e) Be able to provide protection for the health, safety,  
101 and personal integrity of crematory personnel.

102       (13) "Cremation interment container" means a rigid outer  
103 container that, subject to a cemetery's rules and regulations,  
104 is composed of concrete, steel, fiberglass, or some similar  
105 material in which an urn is placed prior to being interred in  
106 the ground and which is designed to support the earth above the  
107 urn.

108       (14)~~(1)~~ "Department" means the Department of Business and  
109 Professional Regulation.

110       (15)~~(8)~~ "Direct disposal establishment" means a facility  
111 registered under this chapter where a direct disposer practices  
112 direct disposition.

113       (16)~~(9)~~ "Direct disposer" means any person registered  
114 under this chapter to practice direct disposition in this state.

115       (17)~~(28)~~ "Disinterment" means removal of a dead human body  
116 from earth interment or aboveground interment.

117       (18)~~(5)~~ "Embalmer" means any person licensed under this  
118 chapter to practice embalming in this state.



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119        ~~(19)~~~~(11)~~ "Final disposition" means the final disposal of a  
120 dead human body by earth interment, aboveground interment,  
121 cremation, burial at sea, or delivery to a medical institution  
122 for lawful dissection if the medical institution assumes  
123 responsibility for disposal. "Final disposition" does not  
124 include the disposal or distribution of ashes and residue of  
125 cremated human remains.

126        ~~(20)~~~~(13)~~ "Funeral" or "funeral service" means the  
127 observances, services, or ceremonies held to commemorate the  
128 life of a specific deceased human being, and at which the human  
129 remains are present.

130        ~~(21)~~~~(3)~~ "Funeral director" means any person licensed under  
131 this chapter to practice funeral directing in this state.

132        ~~(22)~~~~(7)~~ "Funeral establishment" means a facility licensed  
133 under this chapter where a funeral director or embalmer  
134 practices funeral directing or embalming.

135        ~~(23)~~~~(12)~~ "Funeral merchandise" or "merchandise" means any  
136 merchandise commonly sold in connection with the funeral, final  
137 disposition, or memorialization of human remains, including, but  
138 not limited to, caskets, outer burial containers, alternative  
139 containers, cremation containers, cremation interment  
140 containers, urns, monuments, private mausoleums, flowers,  
141 shrubs, benches, vases, acknowledgment cards, register books,  
142 memory folders, prayer cards, and clothing.

143        ~~(24)~~~~(23)~~ "Human remains" or "remains," "dead human body"  
144 or "dead human bodies," means the body of a deceased human  
145 person for which a death certificate or fetal death certificate  
146 is required under chapter 382 and includes the body in any stage  
147 of decomposition and the residue of cremated human bodies.



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148        ~~(18)~~ (25) "Legally authorized person" means, in the  
149 priority listed, the decedent, when written inter vivos  
150 authorizations and directions are provided by the decedent, the  
151 surviving spouse, unless the spouse has been arrested for  
152 committing against the deceased an act of domestic violence as  
153 defined in s. 741.28 that resulted in or contributed to the  
154 death of the deceased, a son or daughter who is 18 years of age  
155 or older, a parent, a brother or sister 18 years of age or over,  
156 a grandchild who is 18 years of age or older, or a grandparent;  
157 or any person in the next degree of kinship. In addition, the  
158 term may include, if no family exists or is available, the  
159 following: the guardian of the dead person at the time of death;  
160 the personal representative of the deceased; the attorney in  
161 fact of the dead person at the time of death; the health  
162 surrogate of the dead person at the time of death; a public  
163 health officer; the medical examiner, county commission or  
164 administrator acting under chapter 245, or other public  
165 administrator; a representative of a nursing home or other  
166 health care institution in charge of final disposition; or a  
167 friend or other person not listed in this subsection who is  
168 willing to assume the responsibility as authorized person. Where  
169 there is a person in any priority class listed in this  
170 subsection, the funeral establishment shall rely upon the  
171 authorization of any one legally authorized person of that class  
172 if that individual represents that he or she is not aware of any  
173 objection to the cremation of the deceased's human remains by  
174 others in the same class of the person making the representation  
175 or of any person in a higher priority class.

176        (26) "Niche" means a compartment or cubicle for the  
177 memorialization or permanent placement of a container or urn



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178 containing cremated remains.

179 ~~(27)(19)~~ "Outer burial container" means an enclosure into  
180 which a casket is placed, including, but not limited to, a vault  
181 made of concrete, steel, fiberglass, or copper, a sectional  
182 concrete enclosure, a crypt, or a wooden enclosure.

183 ~~(28)(20)~~ "Personal residence" means any residential  
184 building in which one temporarily or permanently maintains his  
185 or her abode, including, but not limited to, an apartment or a  
186 hotel, motel, nursing home, convalescent home, home for the  
187 aged, or a public or private institution.

188 ~~(29)(10)~~ "Practice of direct disposition" means the  
189 cremation of human remains without preparation of the human  
190 remains by embalming and without any attendant services or rites  
191 such as funeral or graveside services or the making of  
192 arrangements for such final disposition.

193 ~~(30)(6)~~ "Practice of embalming" means disinfecting or  
194 preserving or attempting to disinfect or preserve dead human  
195 bodies by replacing certain body fluids with preserving and  
196 disinfecting chemicals.

197 ~~(31)(4)~~ "Practice of funeral directing" means the  
198 performance by a licensed funeral director of any of those  
199 functions authorized by s. 470.0087.

200 ~~(32)(21)~~ "Preneed sales agent" means any person who is  
201 registered under chapter 497 to sell preneed burial or funeral  
202 service and merchandise contracts or direct disposition  
203 contracts in this state.

204 (33) "Processing" means the reduction of identifiable bone  
205 fragments after the completion of the cremation process to  
206 unidentifiable bone fragments by manual means.

207 (34) "Pulverization" means the reduction of identifiable



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208 bone fragments after the completion of the cremation and  
 209 processing to granulated particles by manual or mechanical  
 210 means.

211 ~~(35)(25)~~ "Refrigeration facility" means a facility that is  
 212 not physically connected with a funeral establishment, crematory  
 213 or direct disposal establishment, that maintains space and  
 214 equipment for the storage and refrigeration of dead human  
 215 bodies, and that offers its service to funeral directors and  
 216 funeral establishments for a fee.

217 ~~(36)(26)~~ "Removal service" means any service that operates  
 218 independently of a funeral establishment, that handles the  
 219 initial removal of dead human bodies, and that offers its  
 220 service to funeral establishments and direct disposal  
 221 establishments for a fee.

222 ~~(37)(17)~~ "Solicitation" means any communication which  
 223 directly or implicitly requests an immediate oral response from  
 224 the recipient.

225 ~~(38)~~ "Temporary container" means a receptacle for cremated  
 226 remains usually made of cardboard, plastic, or similar material  
 227 designated to hold the cremated remains until an urn or other  
 228 permanent container is acquired.

229 ~~(39)~~ "Urn" means a receptacle designed to permanently  
 230 encase cremated remains.

231 Section 2. Section 470.0085, Florida Statutes, is amended  
 232 to read:

233 470.0085 Establishment of embalmer apprentice  
 234 program.--The board may adopt rules establishing an embalmer  
 235 apprentice program. An embalmer apprentice may perform only  
 236 those tasks, functions, and duties relating to embalming which  
 237 are performed under the direct supervision of a licensed





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238 embalmer. An embalmer apprentice shall be eligible to serve in  
239 an apprentice capacity for a period not to exceed 3 years ~~1 year~~  
240 as may be determined by board rule or for a period not to exceed  
241 5 ~~3~~ years if the apprentice is enrolled in and attending a  
242 course in mortuary science or funeral service education at any  
243 mortuary college or funeral service education college or school.  
244 An embalmer apprentice shall be registered with the board upon  
245 payment of a registration fee not to exceed \$50.

246 Section 3. Subsections (2) and (5) of section 470.021,  
247 Florida Statutes, are amended to read:

248 470.021 Direct disposal establishment; standards and  
249 location; registration.--

250 (2) The practice of direct disposition must be engaged in  
251 at a fixed location of at least 625 interior contiguous square  
252 feet and must maintain or make arrangements for suitable  
253 capacity for the refrigeration and storage of dead human bodies  
254 handled and stored by the establishment. No person may open or  
255 maintain an establishment at which to engage in or hold himself  
256 or herself out as engaging in the practice of direct disposition  
257 unless such establishment is registered with the board. Any  
258 change in location of such establishment shall be reported  
259 promptly to the board as prescribed by rule of the board.

260 (5)(a) Each direct disposal establishment shall at all  
261 times be subject to the inspection of all its buildings,  
262 grounds, and vehicles used in the conduct of its business, by  
263 the department, the Department of Health, and local government  
264 inspectors and by their agents. The board shall adopt rules  
265 which establish such inspection requirements.



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266 (b) The board shall set by rule an annual inspection fee  
 267 not to exceed \$100, payable upon application for registration  
 268 and upon each renewal of such registration.

269 (c) Each cinerator facility shall be inspected prior to  
 270 the issuance and renewal of its license and shall:

271 1. Maintain one or more retorts for the reduction of dead  
 272 human bodies.

273 2. Maintain refrigeration which satisfies the standards  
 274 set by the Department of Health and which contains a sufficient  
 275 number of shelves for the average daily number of bodies stored,  
 276 if unembalmed bodies are kept at the site.

277 3. Maintain sufficient pollution control equipment to  
 278 comply with requirements of the Department of Environmental  
 279 Protection in order to secure annual approved certification.

280 4. Either have on site or immediately available sufficient  
 281 sealed containers of a type required for the transportation of  
 282 bodies as specified in Rule 10D-37.012, F.A.C.

283 5. Maintain the premises in a clean and sanitary  
 284 condition.

285 6. Have appropriate Department of Environmental Protection  
 286 permits.

287 7. Retain all signed contracts for a period of at least 2  
 288 years.

289 Section 4. Subsection (1) of section 470.024, Florida  
 290 Statutes, is amended to read:

291 470.024 Funeral establishment; licensure.--

292 (1) A funeral establishment shall be a place at a specific  
 293 street address or location consisting of at least 1,250  
 294 contiguous interior square feet and must maintain or make  
 295 arrangements for ~~either~~ suitable capacity for the refrigeration



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296 and storage of dead human bodies handled and stored by the  
 297 establishment and ~~or~~ a preparation room equipped with necessary  
 298 ventilation and drainage and containing necessary instruments  
 299 for embalming dead human bodies or must make arrangements for a  
 300 preparation room as established by board rule.

301 Section 5. Subsections (6), (13), (14), and (15) of  
 302 section 470.025, Florida Statutes, are amended, and subsection  
 303 (16) is added to said section, to read:

304 470.025 Cinerator facility; licensure.--

305 (6) No more than one dead human body may be placed in a  
 306 retort at one time, unless written permission has been received  
 307 from a legally authorized person for each body. The operator of  
 308 a cinerator facility shall be entitled to rely on the permission  
 309 of a legally authorized person to cremate more than one human  
 310 body.

311 (13) A cinerator facility shall not place human remains or  
 312 body parts in a retort or cremation chamber unless the human  
 313 remains are in an alternative container, cremation container, or  
 314 casket. Human remains may be transported in a cremation  
 315 container or stored if they are completely covered, and at all  
 316 times treated with dignity and respect. Cremation may include  
 317 the processing and pulverization of bone fragments. Cremated  
 318 remains may be placed in a temporary container following  
 319 cremation. None of the provisions contained in this subsection  
 320 require the purchase of a casket for cremation. This subsection  
 321 applies to at-need contracts and preneed contracts entered into  
 322 pursuant to chapter 497 after June 1, 1996.

323 (14) Each cinerator facility shall ensure that all  
 324 alternative containers, cremation containers, or caskets used  
 325 for cremation contain no amount of chlorinated plastics not



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326 authorized by the Department of Environmental Protection, that  
327 they also are composed of readily combustible materials suitable  
328 for cremation, able to be closed to provide a complete covering  
329 for the human remains, resistant to leakage or spillage, rigid  
330 enough for handling with ease, and able to provide for the  
331 health, safety, and personal integrity of the public and  
332 crematory personnel.

333 (15) The board shall adopt, by rule, criteria for  
334 acceptable cremation and alternative containers.

335 (16) The operator of a cinerator facility shall establish  
336 written procedures for the removal of remains and bone  
337 fragments, to the extent possible, resulting from the cremation  
338 of a human body and the postcremation processing, shipping,  
339 packing, or identifying of those remains. If an operator follows  
340 these procedures, the operator is not liable for the  
341 unintentional or incidental commingling of human remains and  
342 bone fragments resulting from more than one cremation cycle or  
343 from postcremation processing, shipping, packing, or identifying  
344 of those remains. A copy of the procedures shall be available,  
345 upon request, to the department and legally authorized persons.

346 Section 6. Section 470.0255, Florida Statutes, is amended  
347 to read:

348 470.0255 Cremation; procedure required.--

349 (1) At the time of the arrangement for a cremation  
350 performed by any person licensed pursuant to this chapter, the  
351 person contracting for cremation services shall be required to  
352 designate his or her intentions with respect to the disposition  
353 of the cremated remains of the deceased in a signed declaration  
354 of intent which shall be provided by and retained by the funeral  
355 or direct disposal establishment. A cremation may not be



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356 performed until a legally authorized person gives written  
 357 authorization for such cremation. The cremation must be  
 358 performed within 48 hours after a specified time which has been  
 359 agreed to in writing by the person authorizing the cremation.

360 (2) With respect to any person who intends to provide for  
 361 the cremation of the deceased, if, after a period of 120 days  
 362 from the time of cremation the cremated remains have not been  
 363 claimed, the funeral or direct disposal establishment may  
 364 dispose of the cremated remains. Such disposal shall include  
 365 scattering them at sea or placing them in a licensed cemetery  
 366 scatter garden or pond or in a church columbarium or otherwise  
 367 disposing of the remains as provided by rule of the department  
 368 or board.

369 (3) Pursuant to the request of a legally authorized person  
 370 and incidental to final disposition, cremation may be performed  
 371 on parts of human remains. This subsection does not authorize  
 372 the cremation of body parts as defined in s. 470.002.

373 Section 7. Section 470.028, Florida Statutes, is amended  
 374 to read:

375 470.028 Preneed sales; registration of agents; control and  
 376 supervision of agents.--

377 (1) All sales of preneed funeral service contracts or  
 378 direct disposition contracts shall be made pursuant to chapter  
 379 497.

380 (2) No person may act as an agent for a funeral  
 381 establishment or direct disposal establishment with respect to  
 382 the sale of preneed contracts unless such person is registered  
 383 pursuant to chapter 497.

384 (3) Each licensee or registrant shall be subject to  
 385 discipline if his or her agent violates any provision of this



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386 chapter applicable to such licensee or registrant as established  
 387 by board rule.

388 (4)(a) The funeral director in charge of a funeral  
 389 establishment shall be responsible for the control and  
 390 activities of the establishment's preneed agents.

391 (b) The direct disposer in charge or a funeral director  
 392 acting as a direct disposer in charge of a direct disposal  
 393 establishment shall be responsible for the control and  
 394 activities of the establishment's preneed agents.

395 Section 8. Subsection (1) of section 470.029, Florida  
 396 Statutes, is amended to read:

397 470.029 Reports of cases embalmed and bodies handled.--

398 (1) Each funeral establishment, direct disposal  
 399 establishment, cinerator facility, and centralized embalming  
 400 facility shall report on a form prescribed and furnished by the  
 401 department the name of the deceased and such other information  
 402 as may be required with respect to each dead human body embalmed  
 403 or otherwise handled by the establishment or facility. Such  
 404 forms shall be signed by the embalmer who performs the  
 405 embalming, if the body is embalmed, and the funeral director in  
 406 charge of the establishment or facility or by the direct  
 407 disposer who disposes of the body. The board shall prescribe by  
 408 rule the procedures in submitting such documentation. Reports  
 409 required by this subsection shall be filed by the 20th ~~10th~~ day  
 410 of each month for final dispositions handled the preceding  
 411 month.

412 Section 9. Subsection (1) of section 470.0294, Florida  
 413 Statutes, is amended to read:

414 470.0294 Additional rights of legally authorized  
 415 persons.--



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416 (1) In addition to any other common law or statutory  
417 rights a legally authorized person may otherwise have, that  
418 person may authorize a funeral director or direct disposer  
419 licensed under this chapter to lawfully dispose of fetal remains  
420 in circumstances when a fetal death certificate is not issued  
421 under chapter 382, including for fetal death of less than 20  
422 weeks' gestation. A person licensed under chapter 470 is not  
423 liable for damages as a result of following the instructions of  
424 the legally authorized person in connection with the final  
425 disposition of fetal remains in circumstances in which a fetal  
426 death certificate is not issued under chapter 382 or in  
427 connection with the final disposition of a dead human body.

428 Section 10. Section 470.031, Florida Statutes, is amended  
429 to read:

430 470.031 Prohibitions; penalties.--

431 (1) No person may:

432 (a) Practice funeral directing, embalming, or direct  
433 disposition unless the person holds an active license or  
434 registration under this chapter.

435 (b) Use the name or title "funeral director," "embalmer,"  
436 or "direct disposer" when the person has not been licensed or  
437 registered pursuant to this chapter.

438 (c) Represent as his or her own the license or  
439 registration of another.

440 (d) Give false or forged evidence to the board, a member  
441 thereof, or the department for the purpose of obtaining a  
442 license or registration.

443 (e) Use or attempt to use a license or registration which  
444 has been suspended or revoked.



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445 (f) Knowingly employ unlicensed persons in the practice of  
 446 funeral directing, embalming, or direct disposing.

447 (g) Knowingly conceal information relative to violations  
 448 of this chapter.

449 (h) Operate an unlicensed cinerator facility.

450 (i) Except as provided for in chapter 497, guarantee the  
 451 price of goods and services at a future date.

452 (2) Any person who violates the provisions of this section  
 453 commits a misdemeanor of the second degree, punishable as  
 454 provided in s. 775.082 or s. 775.083.

455 Section 11. Section 470.0355, Florida Statutes, is amended  
 456 to read:

457 470.0355 Identification of human remains.--

458 (1) PRIOR TO FINAL DISPOSITION.--

459 (a)~~(1)~~ The licensee or registrant in charge of the final  
 460 disposition of dead human remains shall, prior to final  
 461 disposition of such dead human remains, affix on the ankle or  
 462 wrist of the deceased, and ~~or~~ in the casket or alternative  
 463 container or cremation container, proper identification of the  
 464 dead human remains. The identification or tag shall be encased  
 465 in or consist of durable and long-lasting material containing  
 466 the name, date of birth, and date of death, ~~and social security~~  
 467 ~~number~~ of the deceased, if available. If the dead human remains  
 468 are cremated, proper identification shall be placed in the  
 469 container or urn containing the remains.

470 (b)~~(2)~~ Any licensee or registrant responsible for removal  
 471 of dead human remains to any establishment, facility, or  
 472 location shall ensure that the remains are identified by a tag  
 473 or other means of identification that is affixed to the ankle or





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474 wrist of the deceased at the time the remains are removed from  
475 the place of death or other location.

476 ~~(c)(3)~~ Any licensee or registrant may rely on the  
477 representation of a legally authorized person to establish the  
478 identity of dead human remains.

479 (2) IN UNLICENSED CEMETERIES.--Effective October 1, 2003,  
480 the identification of human remains interred in an unlicensed  
481 cemetery shall be the responsibility of the licensed funeral  
482 establishment in charge of the funeral arrangements for the  
483 deceased person. The licensed funeral establishment in charge of  
484 the funeral arrangements for the interment in an unlicensed  
485 cemetery of human remains shall place on the outer burial  
486 container, cremation interment container, or other container or  
487 on the inside of a crypt or niche a tag or permanent identifying  
488 mark containing the name of the decedent and the date of death,  
489 if available. The materials and locations of the tag or mark  
490 shall be more specifically described by the rule of the board.

491 (3) IN LICENSED CEMETERIES.--Effective October 1, 2003,  
492 human remains at licensed cemeteries shall be identified as  
493 follows:

494 (a) Each licensed cemetery shall place on the outer burial  
495 container, cremation interment container, or other container or  
496 on the inside of a crypt or niche a tag or permanent identifying  
497 marker containing the name of the decedent and the date of  
498 death, if available. The materials and the location of the tag  
499 or marker shall be more specifically described by rule of the  
500 board.

501 (b) Each licensed cemetery may rely entirely on the  
502 identity stated on the burial transit permit or on the  
503 identification supplied by a person licensed under chapter 470



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504 to establish the identity of the dead human remains delivered by  
 505 such person for burial and shall not be liable for any  
 506 differences between the identity shown on the burial transit  
 507 permit or identification and the actual identity of the dead  
 508 human remains delivered by such person and buried in the  
 509 cemetery.

510 (4) DIRECT DISPOSAL ESTABLISHMENTS.--Direct disposal  
 511 establishments shall establish a system of identification of  
 512 human remains received which shall be designed to track the  
 513 identity of the remains from the time of receipt until delivery  
 514 of the remains to the authorized persons. This is in addition to  
 515 the requirements for identification of human remains set forth  
 516 in subsection (1). A copy of the identification procedures shall  
 517 be available, upon request, to the department and legally  
 518 authorized persons.

519 Section 12. For the purpose of incorporating the amendment  
 520 to section 470.031, Florida Statutes, in a reference thereto,  
 521 paragraph (a) of subsection (1) of section 470.036, Florida  
 522 Statutes, is reenacted to read:

523 470.036 Disciplinary proceedings.--

524 (1) The following acts constitute grounds for which the  
 525 disciplinary actions in subsection (2) may be taken:

526 (a) Violation of any provision of s. 455.227(1) or s.  
 527 470.031.

528 Section 13. This act shall take effect October 1, 2003.