

1                   A bill to be entitled  
 2           An act relating to the disposition of human remains;  
 3           amending s. 497.005, F.S.; revising the term "legally  
 4           authorized person" for purposes of the Florida Funeral,  
 5           Cemetery, and Consumer Services Act; providing an  
 6           effective date.

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

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 10           Section 1. Subsection (37) of section 497.005, Florida  
 11           Statutes, is amended to read:

12           497.005 Definitions.--As used in this chapter:

13           (37) "Legally authorized person" means, in the priority  
 14           listed:~~7~~

15           (a) The decedent, when written inter vivos authorizations  
 16           and directions are provided by the decedent;

17           (b) The person designated by the decedent as authorized to  
 18           direct disposition pursuant to Pub. L. No. 109-163, s. 564, as  
 19           listed on the decedent's United States Department of Defense  
 20           Record of Emergency Data, DD Form 93, or its successor form, if  
 21           the decedent died while serving on active duty in any branch of  
 22           the United States Armed Forces, United States Reserve Forces, or  
 23           National Guard;

24           (c) The surviving spouse, unless the spouse has been  
 25           arrested for committing against the deceased an act of domestic  
 26           violence as defined in s. 741.28 that resulted in or contributed  
 27           to the death of the deceased;

28           (d) A son or daughter who is 18 years of age or older;

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- 29        (e) A parent;
- 30        (f) A brother or sister who is 18 years of age or older;
- 31        (g) A grandchild who is 18 years of age or older;
- 32        (h) A grandparent; or
- 33        (i) Any person in the next degree of kinship.
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35        In addition, the term may include, if no family member exists or  
36        is available, the guardian of the dead person at the time of  
37        death; the personal representative of the deceased; the attorney  
38        in fact of the dead person at the time of death; the health  
39        surrogate of the dead person at the time of death; a public  
40        health officer; the medical examiner, county commission, or  
41        administrator acting under part II of chapter 406 or other  
42        public administrator; a representative of a nursing home or  
43        other health care institution in charge of final disposition; or  
44        a friend or other person not listed in this subsection who is  
45        willing to assume the responsibility as the legally authorized  
46        person. Where there is a person in any priority class listed in  
47        this subsection, the funeral establishment shall rely upon the  
48        authorization of any one legally authorized person of that class  
49        if that person represents that she or he is not aware of any  
50        objection to the cremation of the deceased's human remains by  
51        others in the same class of the person making the representation  
52        or of any person in a higher priority class.

53        Section 2. This act shall take effect upon becoming a law.