

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 military service as described in
 22 10 U.S.C. s. 1481(a)(1)-(8) in any branch of the United States
 23 Armed Forces, United States Reserve Forces, or 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;

- 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.