

By Senator Baker

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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
5 Funeral, Cemetery, and Consumer Services Act;
6 providing an 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;

29 (e) A parent;

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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.