

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Health Regulation Committee

BILL: SB 1324

INTRODUCER: Senator Bennett

SUBJECT: Disposition of Human Remains

DATE: March 25, 2011 REVISED: 03/28/11

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	O'Callaghan	Stovall	HR	Fav/1 amendment
2.			HE	
3.			CA	
4.			BC	
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

This bill transfers part II, of ch. 406, F.S., regarding the disposition of dead bodies, to ch. 497, F.S., the Florida Funeral, Cemetery, and Consumer Services Act.

The definitions of the terms “anatomical board,” “indigent person,” and “unclaimed remains” are transferred from ch. 406, F.S., to s. 497.005, F.S., and the definitions of these terms include some clarifications. The existing definition of the term “final disposition” in s. 497.005, F.S., is also clarified and changed to conform to the other changes made by the bill.

The bill requires any person or entity that comes into possession, charge, or control of unclaimed human remains, that are required to be buried at public expense, to immediately notify the anatomical board unless, among other things, the deceased person was a veteran, a spouse of the veteran, or a dependent child of a veteran, of the U.S. Armed Forces, U.S. Reserve Forces, or National Guard and is eligible for burial in a national cemetery.

The bill requires a person or entity in charge or control of human remains to make a reasonable effort to make certain determinations prior to the final disposition of the unclaimed remains. The bill defines “a reasonable effort” to include contacting the National Cemetery Scheduling Office.

The bill prescribes procedures for instances when no family exists or is available to take control or possession of human remains, when the remains of a deceased person's identity is unknown, and when the anatomical board does not accept unclaimed remains.

The bill also prescribes procedures for the anatomical board to store human remains and release claimed human remains. The bill permits a board of county commissioners to prescribe policies and procedures for the final disposition of the unclaimed remains of an indigent person whose death occurred in that county and provides that a licensed person who cremates or buries a person at the written direction of the board of county commissioners is not liable for any damages resulting from the cremation or burial.

The bill prescribes when a county commission or designated county department is not required to notify the anatomical board of unclaimed human remains.

The bill specifies that the anatomical board may receive the body of a person who, with sound mind, executed a will leaving his or her remains for medical educational and research purposes and authorizes the anatomical board to loan human remains to recognized associations of license embalmers or funeral directors or medical or dental examining boards for educational or research purposes.

The bill authorizes the anatomical board to pay reasonable expenses, as determined by the anatomical board, incurred by a funeral establishment or removal service for delivering human remains to the anatomical board.

The bill provides that any person who sells or buys human remains or transmits or conveys or causes to be transmitted or conveyed human remains to any place outside or within Florida, commits a misdemeanor of the first degree.

This bill substantially amends s. 497.005, F.S.

This bill transfers ss. 406.50, 406.51, 406.52, 406.53, 406.55, 406.56, 406.57, 406.58, 406.59, 406.60, and 406.61, F.S., to the following respective sections, which are created within the Florida Statutes: 497.701, 497.703, 497.705, 497.707, 497.709, 497.711, 497.713, 497.715, 497.717, 497.719, and 497.721.

This bill repeals s. 406.54, F.S.

II. Present Situation:

Florida Funeral, Cemetery, and Consumer Services Act

Funeral and cemetery services are regulated under ch. 497, F.S., the "Florida Funeral, Cemetery, and Consumer Services Act" (act).¹ The Board of Funeral, Cemetery, and Consumer Services within the Department of Financial Services (department) is responsible for the administration

¹ Section 497.001, F.S.

and enforcement of the act. The Division of Funeral, Cemetery, and Consumer Services (division) performs the board's administrative functions. Chapter 497, F.S., refers to the board by the term "licensing authority."

The practice of funeral services is divided into three relevant licenses. Persons may be licensed as a funeral director,² an embalmer,³ or with a combination license for the practice of funeral directing and embalming.⁴

The act dictates the preferential order to select a person responsible for determining the disposition of human remains. The act provides that a "legally authorized individual"⁵ shall have the power to make this decision and the preferential order for choosing the person responsible for directing disposition is (in descending order):

- The decedent, when written *inter vivos* authorizations and directions are provided by the decedent;
- The person designated by the decedent as authorized to direct disposition pursuant to Pub. L. No. 109-163, s. 564, as listed on the decedent's United States Department of Defense Record of Emergency Data, DD Form 93, or its successor form, if the decedent died while serving military service as described in 10 U.S.C. s. 1481(a)(1)-(8) in any branch of the U.S. Armed Forces, U.S. Reserve Forces, or National Guard;
- The surviving spouse, unless the spouse has been arrested for committing against the deceased an act of domestic violence as defined in s. 741.28, F.S., that resulted in or contributed to the death of the deceased;
- A son or daughter who is 18 years of age or older;
- A parent;
- A brother or sister who is 18 years of age or older;
- A grandchild who is 18 years of age or older;
- A grandparent; or
- Any person in the next degree of kinship.

In addition, a "legally authorized individual" may include, if no family member exists or is available, the guardian of the dead person at the time of death; the personal representative of the deceased; the attorney in fact of the dead person at the time of death; the health surrogate of the dead person at the time of death; a public health officer; the medical examiner, county commission, or administrator acting under part II, ch. 406, F.S., or other public administrator; a representative of a nursing home or other health care institution in charge of final disposition; or a friend or other person not listed in this subsection who is willing to assume the responsibility as the legally authorized person. A funeral establishment must rely upon the authorization of any one legally authorized person if that person represents that she or he is not aware of any objection to the cremation of the deceased's human remains by others in the same class of the person making the representation or of any person in a higher priority class.

² Section 497.372, F.S.

³ Section 497.368, F.S.

⁴ Section 497.376, F.S.

⁵ Section 497.005(39), F.S.

Part II, Chapter 406, F.S.-Disposition of Dead Bodies

Part II of ch. 406, F.S., pertains to the disposition of dead bodies and human remains. Section 406.50, F.S., governs the procedures for the disposition of unclaimed⁶ dead bodies or human remains. These procedures apply to all public officers, agents, or employees of every county, city, village, town, or municipality and every person in charge of any prison, morgue, hospital, funeral parlor, or mortuary and all other persons coming into possession, charge, or control of any dead body or human remains, which are required to be buried or cremated at public expense.

A person or entity in possession, charge, or control of a dead body or human remains is required to immediately notify the anatomical board,⁷ whenever any such body or remains come into its possession, charge, or control and must deliver the body or remains to the anatomical board as soon as possible after death.⁸ Notification of, or delivery to, the anatomical board is not required if the death was caused by crushing injury, the deceased had a contagious disease, an autopsy was required to determine cause of death, the body was in a state of severe decomposition, or a family member objects to use of the body for medical education and research.⁹

The person or entity in charge or control of the dead body or human remains must make a reasonable effort¹⁰ to determine the identity of the deceased person and contact any relatives of the deceased person. The person or entity must also make a reasonable effort to determine whether the deceased person is entitled to burial in a national cemetery as a veteran of the U.S. Armed Forces¹¹ and, if so, must make arrangements for the burial services in accordance with the provisions of 38 C.F.R.¹²

Despite the notification and delivery requirements under s. 406.50, F.S., a medical examiner has a right to hold the dead body or remains for the purpose of investigating the cause of death, and any court of competent jurisdiction may enter an order affecting the disposition of a body or remains.

⁶ The term “unclaimed” means a dead body or human remains that are not claimed by a legally authorized person, as defined in s. 497.005, F.S., for interment at that person’s expense.

⁷ The “anatomical board” means the anatomical board of Florida located at the University of Florida Health Science Center.

⁸ Any dead human body which has been delivered to the anatomical board may be claimed by any friend or any representative of a fraternal society of which the deceased was a member, or a representative of any charitable or religious organization. Upon receipt of such claim, the body or remains must be surrendered to the claimant by the anatomical board after the payment to the anatomical board for the expenses incurred in obtaining and handling such body or remains. Section 406.54, F.S.

⁹ Section 406.50, F.S.

¹⁰ A “reasonable effort” includes contacting the county veterans’ service office or regional office of the United States Department of Veterans Affairs. Section 406.50(1)(b), F.S.

¹¹ Any contract by a local governmental entity for the disposal of unclaimed human remains must provide for compliance with s. 406.50(1), F.S., and require that the procedures in 38 C.F.R., relating to disposition of unclaimed deceased veterans, be followed. Section 406.51, F.S.

¹² If the body of a deceased veteran is unclaimed, there being no relatives or friends to claim the body, and there is burial allowance entitlement, the amount provided for burial and plot or interment allowance will be available for the burial upon receipt of a claim accompanied by a statement showing what efforts were made to locate relatives or friends. 38 C.F.R. §3.1603 Authority for burial of certain unclaimed bodies.

In the event more than one legally authorized person claims a body for interment, the requests must be prioritized in accordance with s. 732.103, F.S.¹³

All bodies received by the anatomical board must be retained in receiving vaults for a period of not less than 48 hours before allowing their use for medical science. If at any time more bodies are made available to the anatomical board than can be used for medical science under its jurisdiction, or if a body is deemed by the anatomical board to be unfit for anatomical purposes, the anatomical board may notify, in writing, the county commissioners or other legally authorized person in the county where such person died, in order for the body to be buried or cremated. However, prior to having any body buried or cremated, the county must make a reasonable effort to determine the identity of the body and contact any relatives of the deceased person. If a relative of the deceased person is contacted and expresses a preference for either burial or cremation, the county must make a reasonable effort to accommodate the request of the relative.

The anatomical board is not required to be notified of a death of an indigent¹⁴ person if:

- The death was caused by crushing injury.
- The deceased had a contagious disease.
- An autopsy was required to determine cause of death.
- The body was in a state of severe decomposition.
- Any relative, by blood or marriage, claims the body for burial at the expense of such relative.
- Any friend or any representative of a fraternal society of which the deceased was a member, or a representative of any charitable or religious organization, or a governmental agency that was providing residential care to the indigent person at the time of his or her death claims the body for burial at his or her, its, or their expense.
- The deceased person was an honorably discharged member of the U.S. Armed Forces or the state who served during a period of wartime service.

When the Department of Health claims the body of a decedent, the department is required to assess fees for the burial against the estate.¹⁵

The anatomical board is specifically prohibited from entering into any contract, oral or written, whereby any sum of money is to be paid to any living person in exchange for a body to be delivered to the anatomical board when a living person dies.¹⁶ However; if any person being of sound mind executes a will leaving his or her body to the anatomical board for the advancement

¹³ Section 732.103, F.S., provides that the belongings of a deceased person who does not have a will pass to a surviving spouse and if there is not a surviving spouse then to the following people in descending order: (1) The descendants of the decedent. (2) The decedent's father and mother equally, or to the survivor of them. (3) The decedent's brothers and sisters and the descendants of deceased brothers and sisters. (4) One-half to the decedent's paternal, and the other half to the decedent's maternal, kindred in the following order: the grandfather and grandmother equally, or to the survivor of them; to uncles and aunts and descendants of deceased uncles and aunts of the decedent; to the other kindred who survive. (5) If there is no kindred of either part, the whole of the property shall go to the kindred of the last deceased spouse of the decedent. (6) If none of the foregoing, then to the descendants of the great-grandparents if the descendants were Holocaust victims.

¹⁴ The term "indigent" means 100 percent of the federal poverty level recognized by the Federal Income Guidelines produced by the United States Department of Health and Human Services. Section 406.53(3), F.S.

¹⁵ Section 402.33, F.S.

¹⁶ Section 406.55, F.S.

of medical science and dies within Florida, the anatomical board is authorized to accept and receive the body.¹⁷

The anatomical board is required to take and receive the bodies delivered to it and distribute them equitably among the medical and dental schools, teaching hospitals, medical institutions, and health-related teaching programs that require cadaveric material for study or distribute them for examination or study purposes to recognized associations of licensed embalmers or funeral directors, or medical or dental examining boards¹⁸ at the discretion of the anatomical board.¹⁹

Any person who sells or buys any body or parts of bodies or who transmits or conveys or causes to be transmitted or conveyed²⁰ a body or parts of bodies to any place outside of Florida commits a misdemeanor of the first degree, punishable as provided in ss. 775.082 and 775.083 (maximum imprisonment of 1 year or maximum fine of \$1,000). However, the anatomical board is not prohibited from transporting human specimens outside the state for educational or scientific purposes and not prohibited from transporting bodies, parts of bodies, or tissue specimens in furtherance of lawful examination, investigation, or autopsy. Any person, institution, or organization that conveys bodies or parts of bodies into or out of Florida for medical education or research purposes is required to notify the anatomical board of such intent and must receive approval from the board.

Any entity accredited by the American Association of Museums may convey plastinated²¹ bodies or parts of bodies into or out of Florida for exhibition and public educational purposes without the consent of the board if the accredited entity:

- Notifies the board of the conveyance and the duration and location of the exhibition at least 30 days before the intended conveyance.
- Submits to the board a description of the bodies or parts of bodies and the name and address of the company providing the bodies or parts of bodies.
- Submits to the board documentation that each body was donated by the decedent or his or her next of kin for purposes of plastination and public exhibition, or, in lieu of such documentation, an affidavit stating that each body was donated directly by the decedent or his or her next of kin for such purposes to the company providing the body and that such company has a donation form on file for the body.

¹⁷ Section 406.56, F.S.

¹⁸ A university, school, college, teaching hospital, institution, or association is not allowed or permitted to receive any body or bodies until its facilities have been inspected and approved by the anatomical board. All bodies received by a university, school, college, teaching hospital, institution, or association are to be used for no other purpose than the promotion of medical science. Section 406.59, F.S.

¹⁹ Section 406.57, F.S. The anatomical board is authorized to collect fees from the institution or association to which the bodies are distributed or loaned to defray the costs of obtaining and preparing such bodies and may receive money from public or private sources in addition to the fees collected from the institution or association to defray the costs of embalming, handling, shipping, storage, cremation, and other costs relating to the obtaining and use of such bodies. A complete record of all fees and other financial transactions of the anatomical board must be kept and audited annually by the Department of Financial Services, and a report of the audit must be made annually to the University of Florida. Section 406.58, F.S.

²⁰ However a recognized Florida medical or dental school is authorized to make such a conveyance.

²¹ “Plastination” or “polymer preservation” is a technique used to preserve bodies or body parts. The water and fat are replaced with curable polymers or plastics, yielding specimens that can be touched, do not smell or decay, and retain microscopic properties of the original specimen. Bodies Human Anatomy in Motion, available at: <http://bodieshuman.com/plastination.html> (Last visited on March 24, 2011).

- Submits an affidavit to the board stating that the body was legally acquired and that the company providing the body has acquisition documentation on file for the body, if a plastinated body was exhibited in Florida before July 1, 2009, by any entity accredited by the American Association of Museums.

Disposal of Remains of U.S. Military Service Members

During their period of military service, all service members in the Army, Navy, Air Force, and Marine Corps are required to complete the United States Department of Defense Record of Emergency Data form (DD Form 93).²² The form is also applicable to members of the Coast Guard when operating as a service within the Department of the Navy.²³

United States Department of Defense Record of Emergency Data, DD Form 93, requires United States military personnel to designate a person authorized to direct disposition (PADD). The form requires the service member to state the name of the person and the person's relationship to the service member. The instructions to the form limit the designated PADD to the surviving spouse, blood relative of legal age, or adoptive relatives of the decedent. If neither of these persons can be found, the service member may designate a person standing in *loco parentis*, i.e., in place of the parents. The DD Form 93 also allows the service member to indicate who the service member wishes to be contacted in case of death and to receive benefits-related information.

Federal law, in 10 U.S.C. s. 1481(a)(1)-(8), lists the persons whom the Secretary of Defense may provide for the recovery, care, and disposition of remains. The list includes any members of the armed forces who die while on active duty, any members of the reserves while on active duty or inactive-duty training, an accepted applicant for enlistment, any retired or active service members who die during continuous hospitalization that began while the person was on active duty, any military prisoner who dies while in custody, and any retired members of the armed services who dies while outside the U.S. or any individual who dies while outside the U.S. while a dependent of such service member.

III. Effect of Proposed Changes:

This bill transfers part II, of ch. 406, F.S., regarding the disposition of dead bodies, to ch. 497, F.S., the Florida Funeral, Cemetery, and Consumer Services Act.

Section 1 creates part VII of ch. 497, F.S., which is to be entitled "Unclaimed Human Remains; Anatomical Board."

Section 2 amends s. 497.005, F.S., to define the terms "anatomical board," "indigent person," and "unclaimed remains." The definition for "anatomical board" is clarified to mean the anatomical board of the state headquartered at the University of Florida Health Science Center. The definition for "indigent person" is clarified to mean a person whose family income does not exceed 100 percent of the current federal poverty guidelines prescribed for the family's

²² The execution of the DD Form 93 is required to be witnessed by a disinterested party.

²³ Department of Defense Instruction 1300.18, available at: <http://www.dtic.mil/whs/directives/corres/pdf/130018p.pdf> (Last visited March 24, 2011).

household size by the United States Department of Health and Human Services. The term “unclaimed remains” is defined as human remains that are not claimed by a legally authorized person, other than a medical examiner or the board of county commissioners, for final disposition at the person’s expense. The definition of the term “final disposition” is clarified to include that the final disposal of a dead human remains may be by burial, entombment, or anatomical donation.

Section 3 transfers the provisions of s. 406.50, F.S. to s. 497.701, F.S., and those provisions are amended to require a person or entity that comes into possession, charge, or control of unclaimed remains that are required to be buried or cremated at public expense to immediately notify the anatomical board, unless the unclaimed remains are decomposed or mutilated, an autopsy is performed on the remains, the remains contain a contagious disease, a legally authorized person objects to the use of the remains for medical education and research, or the deceased person was a veteran, a veteran’s spouse, or a dependent child of a veteran of the U.S. Armed Forces, U.S. Reserve Forces, or National Guard and is eligible for burial in a national cemetery.

This section specifies that prior to the final disposition of unclaimed remains, a person or entity in charge or control of the human remains must make a reasonable effort to determine the identity of the deceased person and contact any of his or her relatives and determine whether the deceased person is eligible for burial in a national cemetery as a veteran of the U.S. Armed Forces. If a person determines the decedent is eligible for such a burial, the person must cause the deceased person’s remains or cremated remains to be delivered to a national cemetery. “Reasonable effort” means contacting the National Cemetery Scheduling Office and the county veterans’ service office or regional office of the U.S. Department of Veterans Affairs.

This section provides that when no family exists or is available, a funeral director licensed under ch. 497, F.S., may assume the responsibility of a legally authorized person and may, after 48 hours have elapsed from the time of death, authorize arterial embalming for the purposes of storage and delivery of unclaimed remains to the anatomical board. The funeral director is exempted from liability for performing such acts.

This section also provides that the remains of a deceased person whose identity is not known may not be cremated, donated as an anatomical gift, buried at sea, or removed from Florida.

This section authorizes the county commission or its designated county department to authorize and arrange for the burial or cremation of the remains if such remains were found in or the death occurred in that county and the anatomical board does not accept the unclaimed remains. The board of county commissioners is authorized to prescribe policies and procedures for final disposition of unclaimed remains by resolution or ordinance in accordance with applicable laws and rules.

The requirement that, in the event that one or more legally authorized person claims a body for interment, requests are to be prioritized in accordance with s. 732.103, F.S., is removed from this section.

Section 4 transfers the provisions of s. 406.51, F.S. to s. 497.703, F.S., and those provisions are amended to clarify that disposition means “final disposition,” correct a cross-reference, and

clarify that procedures under 38 C.F.R., s. 38.620, relating to disposition of unclaimed deceased veterans, are to be followed under any contract by a local government entity for the disposition of unclaimed remains.

Section 5 transfers the provisions of s. 406.52, F.S. to s. 497.705, F.S., and those provisions are amended to require the anatomical board to keep in storage all human remains received for at least 48 hours before allowing their use for medical education and research. The anatomical board is authorized to refuse any unclaimed remains or the remains of an indigent person.

Human remains delivered to the anatomical board may be claimed by a legally authorized person prior to the use of such remains for medical education or research. A board of county commissioners is authorized to prescribe policies and procedures for the final disposition of the unclaimed remains of an indigent person whose remains are found, or whose death occurred in the county, by resolution or ordinance.

This section also provides that a person licensed under ch. 497, F.S., is not liable for any damages resulting from cremating or burying human remains at the written direction of the board of county commissioners or its designee.

Section 6 transfers the provisions of s. 406.53, F.S. to s. 497.707, F.S., and those provisions are amended to provide that a county commission or designated county department is not required to notify the anatomical board of the unclaimed remains of an indigent person if:

- The indigent person's remains are decomposed or mutilated by wounds;
- A legally authorized person or relative by blood or marriage claims the remains for final disposition at his or her expense or, if such relative or legally authorized person is also an indigent person, in a manner consistent with policies and procedures of the board of county commissioners of the county in which the remains are found or the death occurred;
- The deceased person was a veteran, spouse of a veteran, or dependent child of a veteran of the U.S. Armed Forces, U.S. Reserve Forces, or National Guard and is eligible for burial in a national cemetery; or
- A funeral director licensed under ch. 497, F.S., certifies that the anatomical board has been notified and either accepted or declined the remains.

Section 7 transfers the provisions of s. 406.55, F.S. to s. 497.709, F.S., and those provisions are amended to make technical changes.

Section 8 transfers the provisions of s. 406.56, F.S. to s. 497.711, F.S., and those provisions are amended to specify that the anatomical board can accept human remains of a person who, having a sound mind, executed a will leaving his or her body to the anatomical board for the purpose of medical education and research.

Section 9 transfers the provisions of s. 406.57, F.S. to s. 497.713, F.S., and those provisions are amended to specify that the anatomical board may loan human remains to recognized associations of licensed embalmers or funeral directors, or medical or dental examining boards, for educational or research purposes.

Section 10 transfers the provisions of s. 406.58, F.S. to s. 497.715, F.S., and those provisions are amended to authorize the anatomical board to pay the reasonable expenses, as determined by the anatomical board, incurred by a funeral establishment or removal service licensed under ch. 497, F.S., for delivering human remains to the anatomical board.

Section 11 transfers the provisions of s. 406.59, F.S. to s. 497.717, F.S., and those provisions are amended to specify that human remains received by a university, school, college, teaching hospital, institution, or association may not be used for any purpose other than for medical education and research.

Section 12 transfers the provisions of s. 406.60, F.S. to s. 497.719, F.S., and those provisions are amended to make technical corrections.

Section 13 transfers the provisions of s. 406.61, F.S. to s. 497.721, F.S., and those provisions are amended to provide that any person who sells or buys human remains or any person, other than a recognized Florida medical or dental school, who transmits or conveys or causes to be transmitted or conveyed human remains to any place outside or within Florida, commits a misdemeanor of the first degree.

Section 14 repeals s. 406.54, F.S., which authorizes bodies to be claimed after delivery to anatomical board by any friend or representative of a fraternal society of which the deceased was a member, or a representative of any charitable or religious organization, if such friend, society, or representative pays for the expenses incurred by the anatomical board in obtaining and handling the human remains.

Section 15 provides an effective date of July 1, 2011.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Article I, Section 24(a) and (b) of the Florida Constitution.

C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

If the provisions of part II, of ch. 406, F.S., are moved to ch. 497, F.S., the Division of Funeral, Cemetery, and Consumer Services will become the responsible entity for enforcing the provisions moved to ch. 497, F.S. The division estimates it would need four new staff persons to enforce the transferred provisions at an estimated cost of \$263,250.

VI. Technical Deficiencies:

In line 260 of the bill, the word “current” could be interpreted to mean that the intent is to define a person as indigent in accordance with the 2011 federal poverty guidelines and therefore, the amount will not fluctuate with time. If this is not the intent, the word “current” should be deleted.

VII. Related Issues:

Lines 689 through 696 of the bill make it a misdemeanor of the first degree if a person sells or buys human remains or if a person, other than a Florida medical or dental school, transmits or conveys human remains outside or within Florida. Lines 696 through 702 of the bill exempt the anatomical board from this penalty if it transports human remains outside of Florida for educational or scientific purposes. Because line 697 does not specify “or within” Florida, if the anatomical board transports human remains within Florida for educational or scientific purposes, it may be subject to criminal penalties.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

Barcode 296388 by Health Regulation on March 28, 2011:

- Deletes the word “current” to clarify that the term “indigent person” means a person whose family income does not exceed 100 percent of the federal poverty guidelines at the time of death of the indigent person, instead of being based permanently on the 2011 federal poverty guidelines.

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- Adds the term “or within” to clarify that the anatomical board may transport human remains within or outside of the state for educational and scientific purposes.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
