

By Senator Bennett

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1 A bill to be entitled
2 An act relating to disposition of human remains;
3 creating part VII of ch. 497, F.S., consisting of ss.
4 497.701, 497.703, 497.705, 497.707, 497.709, 497.711,
5 497.713, 497.715, 497.717, 497.719, and 497.721, F.S.;
6 amending s. 497.005, F.S.; defining terms relating to
7 the disposition of human remains; transferring,
8 renumbering, and amending ss. 406.50, 406.51, 406.52,
9 406.53, 406.55, 406.56, 406.57, 406.58, 406.59,
10 406.60, and 406.61, F.S.; revising procedures for the
11 reporting and disposition of unclaimed remains;
12 prohibiting certain uses or dispositions of the
13 remains of deceased persons whose identities are not
14 known; requiring that local governmental contracts for
15 the final disposition of unclaimed remains comply with
16 certain federal regulations; conforming provisions to
17 changes in terminology; conforming a cross-reference;
18 revising procedures for the anatomical board's
19 retention of human remains before their use; providing
20 for claims by, and the release of human remains to,
21 legally authorized persons after payment of certain
22 expenses; authorizing county ordinances or resolutions
23 for the final disposition of the unclaimed remains of
24 indigent persons; limiting the liability of certain
25 licensed persons for cremating or burying human
26 remains under certain circumstances; revising
27 exceptions from requirements for notice to the
28 anatomical board of the death of indigent persons;
29 deleting a requirement that the Department of Health

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30 assess fees for the burial of certain bodies;
31 conforming provisions to changes in terminology;
32 conforming terminology of provisions prohibiting the
33 selling or buying of human remains or the transmitting
34 or conveying of such remains outside the state;
35 providing penalties; conforming terminology relating
36 to procedures for the conveyance of plastinated human
37 remains into or out of the state; repealing s. 406.54,
38 F.S., relating to claims of bodies after delivery to
39 the anatomical board; providing an effective date.
40

41 Be It Enacted by the Legislature of the State of Florida:
42

43 Section 1. Part VII of chapter 497, Florida Statutes,
44 consisting of sections 497.701, 497.703, 497.705, 497.707,
45 497.709, 497.711, 497.713, 497.715, 497.717, 497.719, and
46 497.721, is created and entitled "UNCLAIMED HUMAN REMAINS;
47 ANATOMICAL BOARD."

48 Section 2. Section 497.005, Florida Statutes, is amended to
49 read:

50 497.005 Definitions.—As used in this chapter, the term:

51 (1) "Alternative container" means an unfinished wood box or
52 other nonmetal receptacle or enclosure, without ornamentation or
53 a fixed interior lining, that is designed for the encasement of
54 human remains and that is made of fiberboard, pressed wood,
55 composition materials (with or without an outside covering), or
56 like materials.

57 (2) "Anatomical board" means the anatomical board of the
58 state headquartered at the University of Florida Health Science

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59 Center.

60 (3)~~(2)~~ "At-need solicitation" means any uninvited contact
61 by a licensee or her or his agent for the purpose of the sale of
62 burial services or merchandise to the family or next of kin of a
63 person after her or his death has occurred.

64 (4)~~(3)~~ "Bank of belowground crypts" means any construction
65 unit of belowground crypts that is acceptable to the department
66 and that a cemetery uses to initiate its belowground crypt
67 program or to add to existing belowground crypt structures.

68 (5)~~(4)~~ "Belowground crypts" consist of interment space in
69 preplaced chambers, either side by side or multiple depth,
70 covered by earth and sod and known also as "lawn crypts,"
71 "westminsters," or "turf-top crypts."

72 (6)~~(5)~~ "Board" means the Board of Funeral, Cemetery, and
73 Consumer Services.

74 (7)~~(6)~~ "Burial merchandise," "funeral merchandise," or
75 "merchandise" means any personal property offered or sold by any
76 person for use in connection with the final disposition,
77 memorialization, interment, entombment, or inurnment of human
78 remains or cremated remains, including, but not limited to,
79 caskets, outer burial containers, alternative containers,
80 cremation containers, cremation interment containers, urns,
81 monuments, private mausoleums, flowers, benches, vases,
82 acknowledgment cards, register books, memory folders, prayer
83 cards, and clothing.

84 (8)~~(7)~~ "Burial right" means the right to use a grave space,
85 mausoleum, columbarium, ossuary, or scattering garden for the
86 interment, entombment, inurnment, or other disposition of human
87 remains or cremated remains.

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88 (9)~~(8)~~ "Burial service" or "service" means any service
89 offered or provided in connection with the final disposition,
90 memorialization, interment, entombment, or inurnment of human
91 remains or cremated remains.

92 (10)~~(9)~~ "Care and maintenance" means the perpetual process
93 of keeping a cemetery and its lots, graves, grounds,
94 landscaping, roads, paths, parking lots, fences, mausoleums,
95 columbaria, vaults, crypts, utilities, and other improvements,
96 structures, and embellishments in a well-cared-for and dignified
97 condition, so that the cemetery does not become a nuisance or
98 place of reproach and desolation in the community. As specified
99 in the rules of the licensing authority, "care and maintenance"
100 may include, but is not limited to, any or all of the following
101 activities: mowing the grass at reasonable intervals; raking and
102 cleaning the grave spaces and adjacent areas; pruning of shrubs
103 and trees; suppression of weeds and exotic flora; and
104 maintenance, upkeep, and repair of drains, water lines, roads,
105 buildings, and other improvements. "Care and maintenance" may
106 include, but is not limited to, reasonable overhead expenses
107 necessary for such purposes, including maintenance of machinery,
108 tools, and equipment used for such purposes. "Care and
109 maintenance" may also include repair or restoration of
110 improvements necessary or desirable as a result of wear,
111 deterioration, accident, damage, or destruction. "Care and
112 maintenance" does not include expenses for the construction and
113 development of new grave spaces or interment structures to be
114 sold to the public.

115 (11)~~(10)~~ "Casket" means a rigid container that is designed
116 for the encasement of human remains and that is usually

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117 constructed of wood or metal, ornamented, and lined with fabric.

118 (12)~~(11)~~ "Cemetery" means a place dedicated to and used or
119 intended to be used for the permanent interment of human remains
120 or cremated remains. A cemetery may contain land or earth
121 interment; mausoleum, vault, or crypt interment; a columbarium,
122 ossuary, scattering garden, or other structure or place used or
123 intended to be used for the interment or disposition of cremated
124 remains; or any combination of one or more of such structures or
125 places.

126 (13)~~(12)~~ "Cemetery company" means any legal entity that
127 owns or controls cemetery lands or property.

128 (14)~~(13)~~ "Centralized embalming facility" means a facility
129 in which embalming takes place that operates independently of a
130 funeral establishment licensee and that offers embalming
131 services to funeral directors for a fee.

132 (15)~~(14)~~ "Cinerator" means a facility where dead human
133 bodies are subjected to cremation.

134 (16)~~(15)~~ "Closed container" means any container in which
135 cremated remains can be placed and closed in a manner so as to
136 prevent leakage or spillage of the remains.

137 (17)~~(16)~~ "Columbarium" means a structure or building that
138 is substantially exposed above the ground and that is intended
139 to be used for the inurnment of cremated remains.

140 (18)~~(17)~~ "Common business enterprise" means a group of two
141 or more business entities that share common ownership in excess
142 of 50 percent.

143 (19)~~(18)~~ "Control" means the possession, directly or
144 indirectly, through the ownership of voting shares, by contract,
145 arrangement, understanding, relationship, or otherwise, of the

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146 power to direct or cause the direction of the management and
147 policies of a person or entity. However, a person or entity
148 shall not be deemed to have control if the person or entity
149 holds voting shares, in good faith and not for the purpose of
150 circumventing this definition, as an agent, bank, broker,
151 nominee, custodian, or trustee for one or more beneficial owners
152 who do not individually or as a group have control.

153 (20)~~(19)~~ "Cremated remains" means all the remains of the
154 human body recovered after the completion of the cremation
155 process, including processing or pulverization that leaves only
156 bone fragments reduced to unidentifiable dimensions and may
157 include the residue of any foreign matter, including casket
158 material, bridgework, or eyeglasses that were cremated with the
159 human remains.

160 (21)~~(20)~~ "Cremation" means any mechanical or thermal
161 process whereby a dead human body is reduced to ashes and bone
162 fragments. Cremation also includes any other mechanical or
163 thermal process whereby human remains are pulverized, burned,
164 cremated, or otherwise further reduced in size or quantity.

165 (22)~~(21)~~ "Cremation chamber" means the enclosed space
166 within which the cremation process takes place. Cremation
167 chambers covered by these procedures shall be used exclusively
168 for the cremation of human remains.

169 (23)~~(22)~~ "Cremation container" means the casket or
170 alternative container in which the human remains are transported
171 to and placed in the cremation chamber for a cremation. A
172 cremation container should meet substantially all of the
173 following standards:

174 (a) Be composed of readily combustible or consumable

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175 materials suitable for cremation.

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

178 (c) Be resistant to leakage or spillage.

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

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

182 (24)~~(23)~~ "Cremation interment container" means a rigid
183 outer container that, subject to a cemetery's rules and
184 regulations, is composed of concrete, steel, fiberglass, or some
185 similar material in which an urn is placed prior to being
186 interred in the ground and that is designed to support the earth
187 above the urn.

188 (25)~~(24)~~ "Department" means the Department of Financial
189 Services.

190 (26)~~(25)~~ "Direct disposal establishment" means a facility
191 licensed under this chapter where a direct disposer practices
192 direct disposition.

193 (27)~~(26)~~ "Direct disposer" means any person licensed under
194 this chapter to practice direct disposition in this state.

195 (28)~~(27)~~ "Direct supervision" means supervision by a
196 licensed:

197 (a) Funeral director who provides initial direction and
198 periodic inspection of the arrangements and who is physically
199 present or on the premises of the funeral establishment at all
200 times when the tasks, functions, and duties relating to funeral
201 directing are performed; or

202 (b) Embalmer who provides initial direction and instruction
203 regarding the preservation of a dead human body in its entirety

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204 or in part and who is physically present or on the premises of
205 the funeral establishment or embalming facility at all times
206 when the tasks, functions, and duties relating to embalming are
207 performed.

208 (29)~~(28)~~ "Director" means the director of the Division of
209 Funeral, Cemetery, and Consumer Services.

210 (30)~~(29)~~ "Disinterment" means removal of a dead human body
211 from earth interment or aboveground interment.

212 (31)~~(30)~~ "Division" means the Division of Funeral,
213 Cemetery, and Consumer Services within the Department of
214 Financial Services.

215 (32)~~(31)~~ "Embalmer" means any person licensed under this
216 chapter to practice embalming in this state.

217 (33)~~(32)~~ "Final disposition" means the final disposal of a
218 dead human body by burial, either by earth interment or
219 aboveground interment, or by entombment, cremation, burial at
220 sea, or anatomical donation and delivery to the anatomical board
221 ~~a medical institution~~ for lawful dissection provided if the
222 anatomical board ~~medical institution~~ assumes responsibility for
223 cremation of the dissected remains disposal. "Final disposition"
224 does not include the disposal or distribution of cremated
225 remains and residue of cremated remains.

226 (34)~~(33)~~ "Funeral" or "funeral service" means the
227 observances, services, or ceremonies held to commemorate the
228 life of a specific deceased human being and at which the human
229 remains are present.

230 (35)~~(34)~~ "Funeral director" means any person licensed under
231 this chapter to practice funeral directing in this state.

232 (36)~~(35)~~ "Funeral establishment" means a facility licensed

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233 under this chapter where a funeral director or embalmer
234 practices funeral directing or embalming.

235 (37)~~(36)~~ "General supervision" means supervision by a
236 licensed:

237 (a) Funeral director who is reasonably available and in a
238 position to provide direction and guidance by being physically
239 present, being on the premises of the funeral establishment, or
240 being in proximity to the funeral establishment and available
241 telephonically or by electronic communication at all times when
242 the tasks, functions, and duties relating to funeral directing
243 are performed; or

244 (b) Embalmer who is reasonably available and in a position
245 to provide direction and guidance by being physically present,
246 being on the premises of the funeral establishment or embalming
247 facility, or being in proximity to the funeral establishment or
248 embalming facility and available telephonically or by electronic
249 communication at all times when the tasks, functions, and duties
250 relating to embalming are performed.

251 (38)~~(37)~~ "Grave space" means a space of ground in a
252 cemetery intended to be used for the interment in the ground of
253 human remains.

254 (39)~~(38)~~ "Human remains" or "remains," or "dead human body"
255 or "dead human bodies," means the body of a deceased human
256 person for which a death certificate or fetal death certificate
257 is required under chapter 382 and includes the body in any stage
258 of decomposition.

259 (40) "Indigent person" means a person whose family income
260 does not exceed 100 percent of the current federal poverty
261 guidelines prescribed for the family's household size by the

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262 United States Department of Health and Human Services.

263 (41)-(39) "Legally authorized person" means, in the priority
264 listed:

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

267 (b) The person designated by the decedent as authorized to
268 direct disposition pursuant to Pub. L. No. 109-163, s. 564, as
269 listed on the decedent's United States Department of Defense
270 Record of Emergency Data, DD Form 93, or its successor form, if
271 the decedent died while serving military service as described in
272 10 U.S.C. s. 1481(a)(1)-(8) in any branch of the United States
273 Armed Forces, United States Reserve Forces, or National Guard;

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

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

279 (e) A parent;

280 (f) A brother or sister who is 18 years of age or older;

281 (g) A grandchild who is 18 years of age or older;

282 (h) A grandparent; or

283 (i) Any person in the next degree of kinship.

284

285 In addition, the term may include, if no family member exists or
286 is available, the guardian of the dead person at the time of
287 death; the personal representative of the deceased; the attorney
288 in fact of the dead person at the time of death; the health
289 surrogate of the dead person at the time of death; a public
290 health officer; the medical examiner, county commission, or

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291 administrator acting under part VII ~~FF~~ of this chapter ~~406~~ or
292 other public administrator; a representative of a nursing home
293 or other health care institution in charge of final disposition;
294 or a friend or other person not listed in this subsection who is
295 willing to assume the responsibility as the legally authorized
296 person. Where there is a person in any priority class listed in
297 this subsection, the funeral establishment shall rely upon the
298 authorization of any one legally authorized person of that class
299 if that person represents that she or he is not aware of any
300 objection to the cremation of the deceased's human remains by
301 others in the same class of the person making the representation
302 or of any person in a higher priority class.

303 (42)~~(40)~~ "License" includes all authorizations required or
304 issued under this chapter, except where expressly indicated
305 otherwise, and shall be understood to include authorizations
306 previously referred to as registrations or certificates of
307 authority in chapters 470 and 497 as those chapters appeared in
308 the 2004 edition of the Florida Statutes.

309 (43)~~(41)~~ "Licensee" means the person or entity holding any
310 license or other authorization issued under this chapter, except
311 where expressly indicated otherwise.

312 (44)~~(42)~~ "Mausoleum" means a structure or building that is
313 substantially exposed above the ground and that is intended to
314 be used for the entombment of human remains.

315 (45)~~(43)~~ "Mausoleum section" means any construction unit of
316 a mausoleum that is acceptable to the department and that a
317 cemetery uses to initiate its mausoleum program or to add to its
318 existing mausoleum structures.

319 (46)~~(44)~~ "Monument" means any product used for identifying

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320 a grave site and cemetery memorials of all types, including
321 monuments, markers, and vases.

322 (47)~~(45)~~ "Monument establishment" means a facility that
323 operates independently of a cemetery or funeral establishment
324 and that offers to sell monuments or monument services to the
325 public for placement in a cemetery.

326 (48)~~(46)~~ "Net assets" means the amount by which the total
327 assets of a licensee, excluding goodwill, franchises, customer
328 lists, patents, trademarks, and receivables from or advances to
329 officers, directors, employees, salespersons, and affiliated
330 companies, exceed total liabilities of the licensee. For
331 purposes of this definition, the term "total liabilities" does
332 not include the capital stock, paid-in capital, or retained
333 earnings of the licensee.

334 (49)~~(47)~~ "Net worth" means total assets minus total
335 liabilities pursuant to generally accepted accounting
336 principles.

337 (50)~~(48)~~ "Niche" means a compartment or cubicle for the
338 memorialization or permanent placement of a container or urn
339 containing cremated remains.

340 (51)~~(49)~~ "Ossuary" means a receptacle used for the communal
341 placement of cremated remains without benefit of an urn or any
342 other container in which cremated remains may be commingled with
343 other cremated remains and are nonrecoverable. It may or may not
344 include memorialization.

345 (52)~~(50)~~ "Outer burial container" means an enclosure into
346 which a casket is placed and includes, but is not limited to,
347 vaults made of concrete, steel, fiberglass, or copper; sectional
348 concrete enclosures; crypts; and wooden enclosures.

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349 (53)~~(51)~~ "Person," when used without qualification such as
350 "natural" or "individual," includes both natural persons and
351 legal entities.

352 (54)~~(52)~~ "Personal residence" means any residential
353 building in which one temporarily or permanently maintains her
354 or his abode, including, but not limited to, an apartment or a
355 hotel, motel, nursing home, convalescent home, home for the
356 aged, or a public or private institution.

357 (55)~~(53)~~ "Practice of direct disposition" means the
358 cremation of human remains without preparation of the human
359 remains by embalming and without any attendant services or rites
360 such as funeral or graveside services or the making of
361 arrangements for such final disposition.

362 (56)~~(54)~~ "Practice of embalming" means disinfecting or
363 preserving or attempting to disinfect or preserve dead human
364 bodies by replacing certain body fluids with preserving and
365 disinfecting chemicals.

366 (57)~~(55)~~ "Practice of funeral directing" means the
367 performance by a licensed funeral director of any of those
368 functions authorized by s. 497.372.

369 (58)~~(56)~~ "Preneed contract" means any arrangement or
370 method, of which the provider of funeral merchandise or services
371 has actual knowledge, whereby any person agrees to furnish
372 funeral merchandise or service in the future.

373 (59)~~(57)~~ "Preneed sales agent" means any person who is
374 licensed under this chapter to sell preneed burial or funeral
375 service and merchandise contracts or direct disposition
376 contracts in this state.

377 (60)~~(58)~~ "Principal" means and includes the sole proprietor

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378 of a sole proprietorship; all partners of a partnership; all
379 members of a limited liability company; regarding a corporation,
380 all directors and officers, and all stockholders controlling
381 more than 10 percent of the voting stock; and all other persons
382 who can exercise control over the person or entity.

383 (61)~~(59)~~ "Processing" means the reduction of identifiable
384 bone fragments after the completion of the cremation process to
385 unidentifiable bone fragments by manual means.

386 (62)~~(60)~~ "Profession" and "occupation" are used
387 interchangeably in this chapter. The use of the word
388 "profession" in this chapter with respect to any activities
389 regulated under this chapter shall not be deemed to mean that
390 such activities are not occupations for other purposes in state
391 or federal law.

392 (63)~~(61)~~ "Pulverization" means the reduction of
393 identifiable bone fragments after the completion of the
394 cremation and processing to granulated particles by manual or
395 mechanical means.

396 (64)~~(62)~~ "Refrigeration facility" means a facility that is
397 operated independently of a funeral establishment, crematory, or
398 direct disposal establishment, that maintains space and
399 equipment for the storage and refrigeration of dead human
400 bodies, and that offers its service to funeral directors,
401 funeral establishments, direct disposers, direct disposal
402 establishments, or crematories for a fee.

403 (65)~~(63)~~ "Religious institution" means an organization
404 formed primarily for religious purposes that has qualified for
405 exemption from federal income tax as an exempt organization
406 under the provisions of s. 501(c)(3) of the Internal Revenue

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407 Code of 1986, as amended.

408 (66)~~(64)~~ "Removal service" means any service that operates
409 independently of a funeral establishment or a direct disposal
410 establishment, that handles the initial removal of dead human
411 bodies, and that offers its service to funeral establishments
412 and direct disposal establishments for a fee.

413 (67)~~(65)~~ "Rules" refers to rules adopted under this chapter
414 unless expressly indicated to the contrary.

415 (68)~~(66)~~ "Scattering garden" means a location set aside,
416 within a cemetery, that is used for the spreading or
417 broadcasting of cremated remains that have been removed from
418 their container and can be mixed with or placed on top of the
419 soil or ground cover or buried in an underground receptacle on a
420 commingled basis and that are nonrecoverable. It may or may not
421 include memorialization.

422 (69)~~(67)~~ "Servicing agent" means any person acting as an
423 independent contractor whose fiduciary responsibility is to
424 assist both the trustee and licensee in administrating their
425 responsibilities pursuant to this chapter.

426 (70)~~(68)~~ "Solicitation" means any communication that
427 directly or implicitly requests an immediate oral response from
428 the recipient.

429 (71)~~(69)~~ "Statutory accounting" means generally accepted
430 accounting principles, except as modified by this chapter.

431 (72)~~(70)~~ "Temporary container" means a receptacle for
432 cremated remains usually made of cardboard, plastic, or similar
433 material designated to hold the cremated remains until an urn or
434 other permanent container is acquired.

435 (73) "Unclaimed remains" means human remains that are not

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436 claimed by a legally authorized person, other than a medical
437 examiner or the board of county commissioners, for final
438 disposition at the person's expense.

439 ~~(74)-(71)~~ "Urn" means a receptacle designed to permanently
440 encase cremated remains.

441 Section 3. Section 406.50, Florida Statutes, is
442 transferred, renumbered as section 497.701, Florida Statutes,
443 and amended to read:

444 497.701 ~~406.50~~ Unclaimed ~~dead bodies or human~~ remains;
445 disposition, procedure.—

446 (1) A person or entity that comes ~~All public officers,~~
447 ~~agents, or employees of every county, city, village, town, or~~
448 ~~municipality and every person in charge of any prison, morgue,~~
449 ~~hospital, funeral parlor, or mortuary and all other persons~~
450 ~~coming~~ into possession, charge, or control of unclaimed ~~any dead~~
451 ~~human body or remains~~ that ~~which are unclaimed or which are~~
452 required to be buried or cremated at public expense shall ~~are~~
453 ~~hereby required to notify,~~ immediately notify, the anatomical
454 board, unless:

455 (a) The unclaimed remains are decomposed or mutilated by
456 wounds;

457 (b) An autopsy is performed on the remains;

458 (c) The remains contain ~~whenever any such body, bodies, or~~
459 ~~remains come into its possession, charge, or control.~~

460 ~~Notification of the anatomical board is not required if the~~
461 ~~death was caused by crushing injury, the deceased had a~~
462 ~~contagious disease;~~

463 (d) A legally authorized person, ~~an autopsy was required to~~
464 ~~determine cause of death, the body was in a state of severe~~

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465 ~~decomposition, or a family member~~ objects to use of the remains
 466 ~~body~~ for medical education and research; or

467 (e) The deceased person was a veteran of the United States
 468 Armed Forces, United States Reserve Forces, or National Guard
 469 and is eligible for burial in a national cemetery or was the
 470 spouse or dependent child of a veteran eligible for burial in a
 471 national cemetery.

472 (2)-(1) Before the final disposition of unclaimed remains,
 473 the person or entity in charge or control of the ~~dead body or~~
 474 human remains shall make a reasonable effort to ~~determine:~~

475 (a) Determine the identity of the deceased person and ~~shall~~
 476 ~~further make a reasonable effort to~~ contact any relatives of the
 477 ~~such~~ deceased person.

478 (b) Determine whether ~~or not~~ the deceased person is
 479 eligible under 38 C.F.R. s. 38.620 for entitled to burial in a
 480 national cemetery as a veteran of the armed forces and, if
 481 eligible so, to cause the deceased person's remains or cremated
 482 remains to be delivered to a national cemetery shall make
 483 ~~arrangements for such burial services in accordance with the~~
 484 ~~provisions of 38 C.F.R.~~

485
 486 For purposes of this subsection, "a reasonable effort" includes
 487 contacting the National Cemetery Scheduling Office and the
 488 county veterans service office or regional office of the United
 489 States Department of Veterans Affairs.

490 (3)-(2) Unclaimed remains ~~Such dead human bodies as~~
 491 ~~described in this chapter~~ shall be delivered to the anatomical
 492 board as soon as possible after death. When no family exists or
 493 is available, a funeral director licensed under this chapter may

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494 assume the responsibility of a legally authorized person and
495 may, after 48 hours have elapsed from the time of death,
496 authorize arterial embalming for the purposes of storage and
497 delivery of unclaimed remains to the anatomical board. A funeral
498 director licensed under this chapter is not liable for damages
499 under this subsection.

500 (4) The remains of a deceased person whose identity is not
501 known may not be cremated, donated as an anatomical gift, buried
502 at sea, or removed from the state.

503 (5) If the anatomical board does not accept the unclaimed
504 remains, the county commission, or its designated county
505 department, of the county in which the remains are found or the
506 death occurred may authorize and arrange for the burial or
507 cremation of the entire remains. A board of county commissioners
508 may, in accordance with applicable laws and rules, prescribe
509 policies and procedures for final disposition of unclaimed
510 remains by resolution or ordinance.

511 (6)(3) This part does not ~~Nothing herein shall~~ affect the
512 right of a medical examiner to hold human ~~such dead body or~~
513 remains for the purpose of investigating the cause of death or
514 ~~nor shall this chapter affect~~ the right of any court of
515 competent jurisdiction to enter an order affecting the
516 disposition of such ~~body or~~ remains.

517 ~~(4) In the event more than one legally authorized person~~
518 ~~claims a body for interment, the requests shall be prioritized~~
519 ~~in accordance with s. 732.103.~~

520
521 ~~For purposes of this chapter, the term "anatomical board" means~~
522 ~~the anatomical board of this state located at the University of~~

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523 ~~Florida Health Science Center, and the term "unclaimed" means a~~
524 ~~dead body or human remains that is not claimed by a legally~~
525 ~~authorized person, as defined in s. 497.005, for interment at~~
526 ~~that person's expense.~~

527 Section 4. Section 406.51, Florida Statutes, is
528 transferred, renumbered as section 497.703, Florida Statutes,
529 and amended to read:

530 497.703 ~~406.51~~ Final disposition of unclaimed deceased
531 veterans; contract requirements.—Any contract by a local
532 governmental entity for the final disposition ~~disposal~~ of
533 unclaimed human remains must provide for compliance with s.
534 497.701(2) ~~406.50(1)~~ and require that the procedures in 38
535 C.F.R. s. 38.620, relating to disposition of unclaimed deceased
536 veterans, are ~~be~~ followed.

537 Section 5. Section 406.52, Florida Statutes, is
538 transferred, renumbered as section 497.705, Florida Statutes,
539 and amended to read:

540 (Substantial rewording of section. See
541 s. 406.52, F.S., for present text.)

542 497.705 Retention of human remains before use; claim after
543 delivery to anatomical board; procedures for unclaimed remains
544 of indigent persons.—

545 (1) The anatomical board shall keep in storage all human
546 remains that it receives for at least 48 hours before allowing
547 their use for medical education and research. The anatomical
548 board may, for any reason, refuse to accept unclaimed remains or
549 the remains of an indigent person.

550 (2) At any time before their use for medical education or
551 research, human remains delivered to the anatomical board may be

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552 claimed by a legally authorized person. The anatomical board
553 shall release the remains to the legally authorized person after
554 payment of the anatomical board's expenses incurred for
555 transporting, embalming, and storing the remains.

556 (3) (a) A board of county commissioners may, in accordance
557 with applicable laws and rules, prescribe policies and
558 procedures for the final disposition of the unclaimed remains of
559 an indigent person whose remains are found, or whose death
560 occurred in the county, by resolution or ordinance.

561 (b) A person licensed under this chapter is not liable for
562 any damages resulting from cremating or burying such human
563 remains at the written direction of the board of county
564 commissioners or its designee.

565 Section 6. Section 406.53, Florida Statutes, is
566 transferred, renumbered as section 497.707, Florida Statutes,
567 and amended to read:

568 (Substantial rewording of section. See
569 s. 406.53, F.S., for present text.)

570 497.707 Unclaimed remains of indigent person; exemption
571 from notice to the anatomical board.—A county commission or
572 designated county department that receives a report of the
573 unclaimed remains of an indigent person, notwithstanding s.
574 497.701(1), is not required to notify the anatomical board of
575 the remains if:

576 (1) The indigent person's remains are decomposed or
577 mutilated by wounds;

578 (2) A legally authorized person or a relative by blood or
579 marriage claims the remains for final disposition at his or her
580 expense or, if such relative or legally authorized person is

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581 also an indigent person, in a manner consistent with the
582 policies and procedures of the board of county commissioners of
583 the county in which the remains are found or the death occurred;

584 (3) The deceased person was a veteran of the United States
585 Armed Forces, United States Reserve Forces, or National Guard
586 and is eligible for burial in a national cemetery or was the
587 spouse or dependent child of a veteran eligible for burial in a
588 national cemetery; or

589 (4) A funeral director licensed under this chapter
590 certifies that the anatomical board has been notified and either
591 accepted or declined the remains.

592 Section 7. Section 406.55, Florida Statutes, is
593 transferred, renumbered as section 497.709, Florida Statutes,
594 and amended to read:

595 497.709 ~~406.55~~ Contracts for delivery of human remains ~~body~~
596 after death prohibited.—The anatomical board may not enter ~~is~~
597 ~~specifically prohibited from entering~~ into any contract, oral or
598 written, that provides for ~~whereby~~ any sum of money to ~~shall~~ be
599 paid to any living person in exchange for ~~which~~ the delivery of
600 that person's remains ~~body of said person shall be delivered to~~
601 the anatomical board when the ~~such living~~ person dies.

602 Section 8. Section 406.56, Florida Statutes, is
603 transferred, renumbered as section 497.711, Florida Statutes,
604 and amended to read:

605 497.711 ~~406.56~~ Acceptance of human remains ~~bodies~~ under
606 will.—If any person ~~being~~ of sound mind executes ~~shall execute~~ a
607 will leaving his or her remains ~~body~~ to the anatomical board for
608 ~~the advancement of medical~~ education and research ~~science~~ and
609 the ~~such~~ person dies within the geographical limits of the

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610 state, the anatomical board may ~~is hereby empowered to~~ accept
611 and receive the person's remains ~~such body~~.

612 Section 9. Section 406.57, Florida Statutes, is
613 transferred, renumbered as section 497.713, Florida Statutes,
614 and amended to read:

615 497.713 ~~406.57~~ Distribution of human remains ~~dead bodies~~.—
616 The anatomical board or its duly authorized agent shall take and
617 receive human remains ~~the bodies~~ delivered to it as provided in
618 ~~under the provisions of~~ this chapter and shall:

619 (1) Distribute the remains ~~them~~ equitably ~~to and~~ among the
620 medical and dental schools, teaching hospitals, medical
621 institutions, and health-related teaching programs that require
622 cadaveric material for study; or

623 (2) Loan the remains ~~same may be loaned for examination or~~
624 ~~study purposes~~ to recognized associations of licensed embalmers
625 or funeral directors, or medical or dental examining boards, for
626 educational or research purposes ~~at the discretion of the~~
627 ~~anatomical board~~.

628 Section 10. Section 406.58, Florida Statutes, is
629 transferred, renumbered as section 497.715, Florida Statutes,
630 and amended to read:

631 497.715 ~~406.58~~ Fees; authority to accept additional funds;
632 annual audit.—

633 (1) The anatomical board may:

634 (a) Adopt ~~is empowered to prescribe~~ a schedule of fees to
635 be collected from the institution or association to which the
636 human remains ~~bodies, as described in this chapter,~~ are
637 distributed or loaned to defray the costs of obtaining and
638 preparing the remains ~~such bodies~~.

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639 ~~(b)(2) The anatomical board is hereby empowered to~~ Receive
640 money from public or private sources, in addition to the fees
641 collected from the institution or association to which human
642 remains ~~the bodies~~ are distributed, to be used to defray the
643 costs of embalming, handling, shipping, storing, cremating, and
644 otherwise ~~storage, cremation, and other costs relating to the~~
645 obtaining and using the remains. ~~use of such bodies as described~~
646 ~~in this chapter; the anatomical board is empowered to~~

647 (c) Pay the reasonable expenses, as determined by the
648 anatomical board, incurred by a funeral establishment or removal
649 service licensed under this chapter ~~any person~~ delivering human
650 remains ~~the bodies~~ as described in this chapter to the
651 anatomical board. ~~and is further empowered to~~

652 (d) Enter into contracts and perform such other acts as are
653 necessary for ~~to~~ the proper performance of its duties.†

654 (2) The Department of Financial Services shall keep and
655 annually audit a complete record of all fees and other financial
656 transactions of the ~~said~~ anatomical board and shall annually
657 submit ~~be kept and audited annually by the Department of~~
658 ~~Financial Services, and a report of the such audit shall be made~~
659 annually to the University of Florida.

660 Section 11. Section 406.59, Florida Statutes, is
661 transferred, renumbered as section 497.717, Florida Statutes,
662 and amended to read:

663 497.717 ~~406.59~~ Institutions receiving human remains
664 ~~bodies.~~ ~~A~~ ~~No~~ university, school, college, teaching hospital,
665 institution, or association may not ~~shall be allowed or~~
666 ~~permitted to~~ receive any human remains ~~such body or bodies as~~
667 ~~described in this chapter~~ until its facilities are ~~have been~~

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668 inspected and approved by the anatomical board. Human remains
 669 ~~All such bodies~~ received by such university, school, college,
 670 teaching hospital, institution, or association may not shall be
 671 used for any no other purpose other than ~~the promotion of~~
 672 medical education and research ~~science~~.

673 Section 12. Section 406.60, Florida Statutes, is
 674 transferred, renumbered as section 497.719, Florida Statutes,
 675 and amended to read:

676 497.719 ~~406.60~~ Disposition of human remains ~~bodies~~ after
 677 use. ~~At any time~~ When human remains ~~any body or bodies or part~~
 678 ~~or parts of any body or bodies, as described in this chapter,~~
 679 ~~shall~~ have been used for, and are not ~~deemed~~ of any no further
 680 value to, medical or dental science, ~~then~~ the person ~~or persons~~
 681 having charge of the remains ~~said body or parts of said body~~ may
 682 dispose of the remains or any part thereof by cremation.

683 Section 13. Section 406.61, Florida Statutes, is
 684 transferred, renumbered as section 497.721, Florida Statutes,
 685 and amended to read:

686 497.721 ~~406.61~~ Selling, buying, or conveying human remains
 687 ~~bodies~~ outside or within state prohibited; exceptions; penalty.
 688 penalty.-

689 (1) Any person who sells or buys human remains or any part
 690 thereof, ~~body or parts of bodies as described in this chapter~~ or
 691 any person except a recognized Florida medical or dental school
 692 who transmits or conveys or causes to be transmitted or conveyed
 693 such remains ~~body~~ or part thereof ~~parts of bodies~~ to any place
 694 outside or within this state, commits a misdemeanor of the first
 695 degree, punishable as provided in s. ss. 775.082 or s. ~~and~~
 696 775.083. However, this chapter does not prohibit the anatomical

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697 board from transporting human remains ~~specimens~~ outside the
698 state for educational or scientific purposes or prohibit the
699 transport of human remains, any part of such remains ~~bodies,~~
700 ~~parts of bodies,~~ or tissue specimens for purposes ~~in furtherance~~
701 of lawful examination, investigation, or autopsy conducted
702 pursuant to s. 406.11. Any person, institution, or organization
703 that conveys human remains ~~bodies~~ or any part thereof ~~within,~~
704 ~~parts of bodies~~ into, or out of the state for medical education
705 or research purposes must ~~shall~~ notify the anatomical board of
706 such intent and receive approval from the anatomical board.

707 (2) Any entity accredited by the American Association of
708 Museums may convey plastinated human remains ~~bodies~~ or any part
709 thereof ~~parts of bodies~~ into or out of the state for exhibition
710 and public educational purposes without the consent of the
711 anatomical board if the accredited entity:

712 (a) Notifies the anatomical board of the conveyance and the
713 duration and location of the exhibition at least 30 days before
714 the intended conveyance.

715 (b) Submits to the anatomical board a description of the
716 remains ~~bodies~~ or any part thereof ~~parts of bodies~~ and the name
717 and address of the company providing the remains ~~bodies~~ or any
718 part thereof ~~parts of bodies~~.

719 (c) Submits to the anatomical board documentation that the
720 remains were ~~each body was~~ donated by the decedent or his or her
721 next of kin for purposes of plastination and public exhibition,
722 or, in lieu of such documentation, an affidavit stating that the
723 remains were ~~each body was~~ donated directly by the decedent or
724 his or her next of kin for such purposes to the company
725 providing the remains ~~body~~ and that such company has a donation

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726 form on file for the remains ~~body~~.

727 (3) Notwithstanding paragraph (2)(c) and in lieu of the
728 documentation or affidavit required under paragraph (2)(c), ~~for~~
729 ~~a plastinated body that, before July 1, 2009, was exhibited in~~
730 ~~this state by any entity accredited by the American Association~~
731 ~~of Museums that exhibited plastinated human remains in this~~
732 ~~state before July 1, 2009, such an accredited entity~~ may submit
733 an affidavit to the anatomical board stating that the remains
734 were ~~body was~~ legally acquired and that the company providing
735 the remains ~~body~~ has acquisition documentation on file for the
736 remains ~~body~~. This subsection expires January 1, 2012.

737 Section 14. Section 406.54, Florida Statutes, is repealed.

738 Section 15. This act shall take effect July 1, 2011.