

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

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

38

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

40

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

46 Section 2. Section 497.005, Florida Statutes, is amended
 47 to read:

48 497.005 Definitions.—As used in this chapter, the term:

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

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

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57 | Center.

58 | (3)~~(2)~~ "At-need solicitation" means any uninvited contact
59 | by a licensee or her or his agent for the purpose of the sale of
60 | burial services or merchandise to the family or next of kin of a
61 | person after her or his death has occurred.

62 | (4)~~(3)~~ "Bank of belowground crypts" means any construction
63 | unit of belowground crypts that is acceptable to the department
64 | and that a cemetery uses to initiate its belowground crypt
65 | program or to add to existing belowground crypt structures.

66 | (5)~~(4)~~ "Belowground crypts" consist of interment space in
67 | preplaced chambers, either side by side or multiple depth,
68 | covered by earth and sod and known also as "lawn crypts,"
69 | "westminsters," or "turf-top crypts."

70 | (6)~~(5)~~ "Board" means the Board of Funeral, Cemetery, and
71 | Consumer Services.

72 | (7)~~(6)~~ "Burial merchandise," "funeral merchandise," or
73 | "merchandise" means any personal property offered or sold by any
74 | person for use in connection with the final disposition,
75 | memorialization, interment, entombment, or inurnment of human
76 | remains or cremated remains, including, but not limited to,
77 | caskets, outer burial containers, alternative containers,
78 | cremation containers, cremation interment containers, urns,
79 | monuments, private mausoleums, flowers, benches, vases,
80 | acknowledgment cards, register books, memory folders, prayer
81 | cards, and clothing.

82 | (8)~~(7)~~ "Burial right" means the right to use a grave
83 | space, mausoleum, columbarium, ossuary, or scattering garden for
84 | the interment, entombment, inurnment, or other disposition of

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85 human remains or cremated remains.

86 (9)~~(8)~~ "Burial service" or "service" means any service
87 offered or provided in connection with the final disposition,
88 memorialization, interment, entombment, or inurnment of human
89 remains or cremated remains.

90 (10)~~(9)~~ "Care and maintenance" means the perpetual process
91 of keeping a cemetery and its lots, graves, grounds,
92 landscaping, roads, paths, parking lots, fences, mausoleums,
93 columbaria, vaults, crypts, utilities, and other improvements,
94 structures, and embellishments in a well-cared-for and dignified
95 condition, so that the cemetery does not become a nuisance or
96 place of reproach and desolation in the community. As specified
97 in the rules of the licensing authority, "care and maintenance"
98 may include, but is not limited to, any or all of the following
99 activities: mowing the grass at reasonable intervals; raking and
100 cleaning the grave spaces and adjacent areas; pruning of shrubs
101 and trees; suppression of weeds and exotic flora; and
102 maintenance, upkeep, and repair of drains, water lines, roads,
103 buildings, and other improvements. "Care and maintenance" may
104 include, but is not limited to, reasonable overhead expenses
105 necessary for such purposes, including maintenance of machinery,
106 tools, and equipment used for such purposes. "Care and
107 maintenance" may also include repair or restoration of
108 improvements necessary or desirable as a result of wear,
109 deterioration, accident, damage, or destruction. "Care and
110 maintenance" does not include expenses for the construction and
111 development of new grave spaces or interment structures to be
112 sold to the public.

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113 (11)~~(10)~~ "Casket" means a rigid container that is designed
 114 for the encasement of human remains and that is usually
 115 constructed of wood or metal, ornamented, and lined with fabric.

116 (12)~~(11)~~ "Cemetery" means a place dedicated to and used or
 117 intended to be used for the permanent interment of human remains
 118 or cremated remains. A cemetery may contain land or earth
 119 interment; mausoleum, vault, or crypt interment; a columbarium,
 120 ossuary, scattering garden, or other structure or place used or
 121 intended to be used for the interment or disposition of cremated
 122 remains; or any combination of one or more of such structures or
 123 places.

124 (13)~~(12)~~ "Cemetery company" means any legal entity that
 125 owns or controls cemetery lands or property.

126 (14)~~(13)~~ "Centralized embalming facility" means a facility
 127 in which embalming takes place that operates independently of a
 128 funeral establishment licensee and that offers embalming
 129 services to funeral directors for a fee.

130 (15)~~(14)~~ "Cinerator" means a facility where dead human
 131 bodies are subjected to cremation.

132 (16)~~(15)~~ "Closed container" means any container in which
 133 cremated remains can be placed and closed in a manner so as to
 134 prevent leakage or spillage of the remains.

135 (17)~~(16)~~ "Columbarium" means a structure or building that
 136 is substantially exposed above the ground and that is intended
 137 to be used for the inurnment of cremated remains.

138 (18)~~(17)~~ "Common business enterprise" means a group of two
 139 or more business entities that share common ownership in excess
 140 of 50 percent.

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141 (19)~~(18)~~ "Control" means the possession, directly or
142 indirectly, through the ownership of voting shares, by contract,
143 arrangement, understanding, relationship, or otherwise, of the
144 power to direct or cause the direction of the management and
145 policies of a person or entity. However, a person or entity
146 shall not be deemed to have control if the person or entity
147 holds voting shares, in good faith and not for the purpose of
148 circumventing this definition, as an agent, bank, broker,
149 nominee, custodian, or trustee for one or more beneficial owners
150 who do not individually or as a group have control.

151 (20)~~(19)~~ "Cremated remains" means all the remains of the
152 human body recovered after the completion of the cremation
153 process, including processing or pulverization that leaves only
154 bone fragments reduced to unidentifiable dimensions and may
155 include the residue of any foreign matter, including casket
156 material, bridgework, or eyeglasses that were cremated with the
157 human remains.

158 (21)~~(20)~~ "Cremation" means any mechanical or thermal
159 process whereby a dead human body is reduced to ashes and bone
160 fragments. Cremation also includes any other mechanical or
161 thermal process whereby human remains are pulverized, burned,
162 cremated, or otherwise further reduced in size or quantity.

163 (22)~~(21)~~ "Cremation chamber" means the enclosed space
164 within which the cremation process takes place. Cremation
165 chambers covered by these procedures shall be used exclusively
166 for the cremation of human remains.

167 (23)~~(22)~~ "Cremation container" means the casket or
168 alternative container in which the human remains are transported

169 to and placed in the cremation chamber for a cremation. A
 170 cremation container should meet substantially all of the
 171 following standards:

172 (a) Be composed of readily combustible or consumable
 173 materials suitable for cremation.

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

176 (c) Be resistant to leakage or spillage.

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

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

180 (24)~~(23)~~ "Cremation interment container" means a rigid
 181 outer container that, subject to a cemetery's rules and
 182 regulations, is composed of concrete, steel, fiberglass, or some
 183 similar material in which an urn is placed prior to being
 184 interred in the ground and that is designed to support the earth
 185 above the urn.

186 (25)~~(24)~~ "Department" means the Department of Financial
 187 Services.

188 (26)~~(25)~~ "Direct disposal establishment" means a facility
 189 licensed under this chapter where a direct disposer practices
 190 direct disposition.

191 (27)~~(26)~~ "Direct disposer" means any person licensed under
 192 this chapter to practice direct disposition in this state.

193 (28)~~(27)~~ "Direct supervision" means supervision by a
 194 licensed:

195 (a) Funeral director who provides initial direction and
 196 periodic inspection of the arrangements and who is physically

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197 present or on the premises of the funeral establishment at all
 198 times when the tasks, functions, and duties relating to funeral
 199 directing are performed; or

200 (b) Embalmer who provides initial direction and
 201 instruction regarding the preservation of a dead human body in
 202 its entirety or in part and who is physically present or on the
 203 premises of the funeral establishment or embalming facility at
 204 all times when the tasks, functions, and duties relating to
 205 embalming are performed.

206 (29)~~(28)~~ "Director" means the director of the Division of
 207 Funeral, Cemetery, and Consumer Services.

208 (30)~~(29)~~ "Disinterment" means removal of a dead human body
 209 from earth interment or aboveground interment.

210 (31)~~(30)~~ "Division" means the Division of Funeral,
 211 Cemetery, and Consumer Services within the Department of
 212 Financial Services.

213 (32)~~(31)~~ "Embalmer" means any person licensed under this
 214 chapter to practice embalming in this state.

215 (33)~~(32)~~ "Final disposition" means the final disposal of a
 216 dead human body by burial, either by earth interment or,
 217 aboveground interment, or by entombment, cremation, burial at
 218 sea, or anatomical donation and delivery to the anatomical board
 219 ~~a medical institution~~ for lawful dissection provided if the
 220 anatomical board ~~medical institution~~ assumes responsibility for
 221 cremation of the dissected remains disposal. "Final disposition"
 222 does not include the disposal or distribution of cremated
 223 remains and residue of cremated remains.

224 (34)~~(33)~~ "Funeral" or "funeral service" means the

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225 | observances, services, or ceremonies held to commemorate the
 226 | life of a specific deceased human being and at which the human
 227 | remains are present.

228 | (35)~~(34)~~ "Funeral director" means any person licensed
 229 | under this chapter to practice funeral directing in this state.

230 | (36)~~(35)~~ "Funeral establishment" means a facility licensed
 231 | under this chapter where a funeral director or embalmer
 232 | practices funeral directing or embalming.

233 | (37)~~(36)~~ "General supervision" means supervision by a
 234 | licensed:

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

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

249 | (38)~~(37)~~ "Grave space" means a space of ground in a
 250 | cemetery intended to be used for the interment in the ground of
 251 | human remains.

252 | (39)~~(38)~~ "Human remains" or "remains," or "dead human

253 body" or "dead human bodies," means the body of a deceased human
 254 person for which a death certificate or fetal death certificate
 255 is required under chapter 382 and includes the body in any stage
 256 of decomposition.

257 (40) "Indigent person" means a person whose family income
 258 does not exceed 100 percent of the current federal poverty
 259 guidelines prescribed for the family's household size by the
 260 United States Department of Health and Human Services.

261 ~~(41)(39)~~ "Legally authorized person" means, in the
 262 priority listed:

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

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

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

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

277 (e) A parent;

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

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

280 (h) A grandparent; or

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

282
 283 In addition, the term may include, if no family member exists or
 284 is available, the guardian of the dead person at the time of
 285 death; the personal representative of the deceased; the attorney
 286 in fact of the dead person at the time of death; the health
 287 surrogate of the dead person at the time of death; a public
 288 health officer; the medical examiner, county commission, or
 289 administrator acting under part VII ~~II~~ of this chapter ~~406~~ or
 290 other public administrator; a representative of a nursing home
 291 or other health care institution in charge of final disposition;
 292 or a friend or other person not listed in this subsection who is
 293 willing to assume the responsibility as the legally authorized
 294 person. Where there is a person in any priority class listed in
 295 this subsection, the funeral establishment shall rely upon the
 296 authorization of any one legally authorized person of that class
 297 if that person represents that she or he is not aware of any
 298 objection to the cremation of the deceased's human remains by
 299 others in the same class of the person making the representation
 300 or of any person in a higher priority class.

301 ~~(42)-(40)~~ "License" includes all authorizations required or
 302 issued under this chapter, except where expressly indicated
 303 otherwise, and shall be understood to include authorizations
 304 previously referred to as registrations or certificates of
 305 authority in chapters 470 and 497 as those chapters appeared in
 306 the 2004 edition of the Florida Statutes.

307 ~~(43)-(41)~~ "Licensee" means the person or entity holding any
 308 license or other authorization issued under this chapter, except

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309 where expressly indicated otherwise.

310 (44)~~(42)~~ "Mausoleum" means a structure or building that is
 311 substantially exposed above the ground and that is intended to
 312 be used for the entombment of human remains.

313 (45)~~(43)~~ "Mausoleum section" means any construction unit
 314 of a mausoleum that is acceptable to the department and that a
 315 cemetery uses to initiate its mausoleum program or to add to its
 316 existing mausoleum structures.

317 (46)~~(44)~~ "Monument" means any product used for identifying
 318 a grave site and cemetery memorials of all types, including
 319 monuments, markers, and vases.

320 (47)~~(45)~~ "Monument establishment" means a facility that
 321 operates independently of a cemetery or funeral establishment
 322 and that offers to sell monuments or monument services to the
 323 public for placement in a cemetery.

324 (48)~~(46)~~ "Net assets" means the amount by which the total
 325 assets of a licensee, excluding goodwill, franchises, customer
 326 lists, patents, trademarks, and receivables from or advances to
 327 officers, directors, employees, salespersons, and affiliated
 328 companies, exceed total liabilities of the licensee. For
 329 purposes of this definition, the term "total liabilities" does
 330 not include the capital stock, paid-in capital, or retained
 331 earnings of the licensee.

332 (49)~~(47)~~ "Net worth" means total assets minus total
 333 liabilities pursuant to generally accepted accounting
 334 principles.

335 (50)~~(48)~~ "Niche" means a compartment or cubicle for the
 336 memorialization or permanent placement of a container or urn

337 containing cremated remains.

338 (51)~~(49)~~ "Ossuary" means a receptacle used for the
 339 communal placement of cremated remains without benefit of an urn
 340 or any other container in which cremated remains may be
 341 commingled with other cremated remains and are nonrecoverable.
 342 It may or may not include memorialization.

343 (52)~~(50)~~ "Outer burial container" means an enclosure into
 344 which a casket is placed and includes, but is not limited to,
 345 vaults made of concrete, steel, fiberglass, or copper; sectional
 346 concrete enclosures; crypts; and wooden enclosures.

347 (53)~~(51)~~ "Person," when used without qualification such as
 348 "natural" or "individual," includes both natural persons and
 349 legal entities.

350 (54)~~(52)~~ "Personal residence" means any residential
 351 building in which one temporarily or permanently maintains her
 352 or his abode, including, but not limited to, an apartment or a
 353 hotel, motel, nursing home, convalescent home, home for the
 354 aged, or a public or private institution.

355 (55)~~(53)~~ "Practice of direct disposition" means the
 356 cremation of human remains without preparation of the human
 357 remains by embalming and without any attendant services or rites
 358 such as funeral or graveside services or the making of
 359 arrangements for such final disposition.

360 (56)~~(54)~~ "Practice of embalming" means disinfecting or
 361 preserving or attempting to disinfect or preserve dead human
 362 bodies by replacing certain body fluids with preserving and
 363 disinfecting chemicals.

364 (57)~~(55)~~ "Practice of funeral directing" means the

365 performance by a licensed funeral director of any of those
 366 functions authorized by s. 497.372.

367 (58)~~(56)~~ "Preneed contract" means any arrangement or
 368 method, of which the provider of funeral merchandise or services
 369 has actual knowledge, whereby any person agrees to furnish
 370 funeral merchandise or service in the future.

371 (59)~~(57)~~ "Preneed sales agent" means any person who is
 372 licensed under this chapter to sell preneed burial or funeral
 373 service and merchandise contracts or direct disposition
 374 contracts in this state.

375 (60)~~(58)~~ "Principal" means and includes the sole
 376 proprietor of a sole proprietorship; all partners of a
 377 partnership; all members of a limited liability company;
 378 regarding a corporation, all directors and officers, and all
 379 stockholders controlling more than 10 percent of the voting
 380 stock; and all other persons who can exercise control over the
 381 person or entity.

382 (61)~~(59)~~ "Processing" means the reduction of identifiable
 383 bone fragments after the completion of the cremation process to
 384 unidentifiable bone fragments by manual means.

385 (62)~~(60)~~ "Profession" and "occupation" are used
 386 interchangeably in this chapter. The use of the word
 387 "profession" in this chapter with respect to any activities
 388 regulated under this chapter shall not be deemed to mean that
 389 such activities are not occupations for other purposes in state
 390 or federal law.

391 (63)~~(61)~~ "Pulverization" means the reduction of
 392 identifiable bone fragments after the completion of the

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393 cremation and processing to granulated particles by manual or
 394 mechanical means.

395 (64)~~(62)~~ "Refrigeration facility" means a facility that is
 396 operated independently of a funeral establishment, crematory, or
 397 direct disposal establishment, that maintains space and
 398 equipment for the storage and refrigeration of dead human
 399 bodies, and that offers its service to funeral directors,
 400 funeral establishments, direct disposers, direct disposal
 401 establishments, or crematories for a fee.

402 (65)~~(63)~~ "Religious institution" means an organization
 403 formed primarily for religious purposes that has qualified for
 404 exemption from federal income tax as an exempt organization
 405 under the provisions of s. 501(c)(3) of the Internal Revenue
 406 Code of 1986, as amended.

407 (66)~~(64)~~ "Removal service" means any service that operates
 408 independently of a funeral establishment or a direct disposal
 409 establishment, that handles the initial removal of dead human
 410 bodies, and that offers its service to funeral establishments
 411 and direct disposal establishments for a fee.

412 (67)~~(65)~~ "Rules" refers to rules adopted under this
 413 chapter unless expressly indicated to the contrary.

414 (68)~~(66)~~ "Scattering garden" means a location set aside,
 415 within a cemetery, that is used for the spreading or
 416 broadcasting of cremated remains that have been removed from
 417 their container and can be mixed with or placed on top of the
 418 soil or ground cover or buried in an underground receptacle on a
 419 commingled basis and that are nonrecoverable. It may or may not
 420 include memorialization.

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421 (69)~~(67)~~ "Servicing agent" means any person acting as an
 422 independent contractor whose fiduciary responsibility is to
 423 assist both the trustee and licensee in administrating their
 424 responsibilities pursuant to this chapter.

425 (70)~~(68)~~ "Solicitation" means any communication that
 426 directly or implicitly requests an immediate oral response from
 427 the recipient.

428 (71)~~(69)~~ "Statutory accounting" means generally accepted
 429 accounting principles, except as modified by this chapter.

430 (72)~~(70)~~ "Temporary container" means a receptacle for
 431 cremated remains usually made of cardboard, plastic, or similar
 432 material designated to hold the cremated remains until an urn or
 433 other permanent container is acquired.

434 (73) "Unclaimed remains" means human remains that are not
 435 claimed by a legally authorized person, other than a medical
 436 examiner or the board of county commissioners, for final
 437 disposition at the person's expense.

438 (74)~~(71)~~ "Urn" means a receptacle designed to permanently
 439 encase cremated remains.

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

443 497.701 ~~406.50~~ ~~Unclaimed dead bodies or human remains;~~
 444 ~~disposition, procedure.—~~

445 (1) A person or entity that comes ~~All public officers,~~
 446 ~~agents, or employees of every county, city, village, town, or~~
 447 ~~municipality and every person in charge of any prison, morgue,~~
 448 ~~hospital, funeral parlor, or mortuary and all other persons~~

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449 ~~coming~~ into possession, charge, or control of unclaimed ~~any dead~~
 450 ~~human body or remains~~ that ~~which are unclaimed or which are~~
 451 required to be buried or cremated at public expense shall are
 452 ~~hereby required to notify,~~ immediately notify, the anatomical
 453 board, unless:

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

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

457 (c) The remains contain ~~whenever any such body, bodies, or~~
 458 ~~remains come into its possession, charge, or control.~~
 459 ~~Notification of the anatomical board is not required if the~~
 460 ~~death was caused by crushing injury, the deceased had a~~
 461 ~~contagious disease;~~

462 (d) A legally authorized person, ~~an autopsy was required~~
 463 ~~to determine cause of death, the body was in a state of severe~~
 464 ~~decomposition, or a family member objects to use of the~~ remains
 465 ~~body for medical education and research; or~~

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

471 (2)-(1) Before the final disposition of unclaimed remains,
 472 ~~the person or entity in charge or control of the dead body or~~
 473 ~~human remains shall make a reasonable effort to determine:~~

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

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

484
 485 For purposes of this subsection, "a reasonable effort" includes
 486 contacting the National Cemetery Scheduling Office and the
 487 county veterans service office or regional office of the United
 488 States Department of Veterans Affairs.

489 (3)~~(2)~~ Unclaimed remains ~~Such dead human bodies as~~
 490 ~~described in this chapter~~ shall be delivered to the anatomical
 491 board as soon as possible after death. When no family exists or
 492 is available, a funeral director licensed under this chapter may
 493 assume the responsibility of a legally authorized person and
 494 may, after 48 hours have elapsed from the time of death,
 495 authorize arterial embalming for the purposes of storage and
 496 delivery of unclaimed remains to the anatomical board. A funeral
 497 director licensed under this chapter is not liable for damages
 498 under this subsection.

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

502 (5) If the anatomical board does not accept the unclaimed
 503 remains, the county commission, or its designated county
 504 department, of the county in which the remains are found or the

CODING: Words **stricken** are deletions; words **underlined** are additions.

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505 death occurred may authorize and arrange for the burial or
 506 cremation of the entire remains. A board of county commissioners
 507 may, in accordance with applicable laws and rules, prescribe
 508 policies and procedures for final disposition of unclaimed
 509 remains by resolution or ordinance.

510 ~~(6)(3)~~ This part does not ~~Nothing herein shall~~ affect the
 511 right of a medical examiner to hold human ~~such dead body or~~
 512 remains for the purpose of investigating the cause of death or
 513 ~~nor shall this chapter affect~~ the right of any court of
 514 competent jurisdiction to enter an order affecting the
 515 disposition of such ~~body or~~ remains.

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

519
 520 ~~For purposes of this chapter, the term "anatomical board" means~~
 521 ~~the anatomical board of this state located at the University of~~
 522 ~~Florida Health Science Center, and the term "unclaimed" means a~~
 523 ~~dead body or human remains that is not claimed by a legally~~
 524 ~~authorized person, as defined in s. 497.005, for interment at~~
 525 ~~that person's expense.~~

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

529 497.703 ~~406.51~~ Final disposition of unclaimed deceased
 530 veterans; contract requirements.—Any contract by a local
 531 governmental entity for the final disposition ~~disposal~~ of
 532 unclaimed ~~human~~ remains must provide for compliance with s.

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533 497.701(2) ~~406.50(1)~~ and require that the procedures in 38
534 C.F.R. s. 38.620, relating to disposition of unclaimed deceased
535 veterans, are ~~be~~ followed.

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

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

541 497.705 Retention of human remains before use; claim after
542 delivery to anatomical board; procedures for unclaimed remains
543 of indigent persons.—

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

549 (2) At any time before their use for medical education or
550 research, human remains delivered to the anatomical board may be
551 claimed by a legally authorized person. The anatomical board
552 shall release the remains to the legally authorized person after
553 payment of the anatomical board's expenses incurred for
554 transporting, embalming, and storing the remains.

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

560 (b) A person licensed under this chapter is not liable for

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561 any damages resulting from cremating or burying such human
562 remains at the written direction of the board of county
563 commissioners or its designee.

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

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

569 497.707 Unclaimed remains of indigent person; exemption
570 from notice to the anatomical board.—A county commission or
571 designated county department that receives a report of the
572 unclaimed remains of an indigent person, notwithstanding s.
573 497.701(1), is not required to notify the anatomical board of
574 the remains if:

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

577 (2) A legally authorized person or a relative by blood or
578 marriage claims the remains for final disposition at his or her
579 expense or, if such relative or legally authorized person is
580 also an indigent person, in a manner consistent with the
581 policies and procedures of the board of county commissioners of
582 the county in which the remains are found or the death occurred;

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

588 (4) A funeral director licensed under this chapter

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589 certifies that the anatomical board has been notified and either
 590 accepted or declined the remains.

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

594 497.709 ~~406.55~~ Contracts for delivery of human remains
 595 ~~body~~ after death prohibited.—The anatomical board may not enter
 596 ~~is specifically prohibited from entering~~ into any contract, oral
 597 or written, that provides for ~~whereby~~ any sum of money to ~~shall~~
 598 be paid to any living person in exchange for ~~which~~ the delivery
 599 of that person's remains ~~body of said person shall be delivered~~
 600 to the anatomical board when the ~~such living~~ person dies.

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

604 497.711 ~~406.56~~ Acceptance of human remains ~~bodies~~ under
 605 will.—If any person ~~being~~ of sound mind executes ~~shall execute~~ a
 606 will leaving his or her remains ~~body~~ to the anatomical board for
 607 ~~the advancement of medical~~ education and research ~~science~~ and
 608 the ~~such~~ person dies within the geographical limits of the
 609 state, the anatomical board may ~~is hereby empowered to~~ accept
 610 and receive the person's remains ~~such body~~.

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

614 497.713 ~~406.57~~ Distribution of human remains ~~dead bodies~~.—
 615 The anatomical board or its duly authorized agent shall take and
 616 receive human remains ~~the bodies~~ delivered to it as provided in

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617 ~~under the provisions of this chapter and shall:~~

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

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

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

630 497.715 ~~406.58~~ Fees; authority to accept additional funds;
 631 annual audit.—

632 (1) The anatomical board may:

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

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

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

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

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

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

662 497.717 406.59 Institutions receiving human remains
 663 ~~bodies.~~ A ~~No~~ university, school, college, teaching hospital,
 664 institution, or association may not shall be allowed or
 665 ~~permitted to~~ receive any human remains such body or bodies as
 666 ~~described in this chapter~~ until its facilities are have been
 667 inspected and approved by the anatomical board. Human remains
 668 ~~All such bodies~~ received by such university, school, college,
 669 teaching hospital, institution, or association may not shall be
 670 used for any no other purpose other than the promotion of
 671 medical education and research science.

672 Section 12. Section 406.60, Florida Statutes, is

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673 transferred, renumbered as section 497.719, Florida Statutes,
 674 and amended to read:

675 497.719 ~~406.60~~ Disposition of human remains ~~bodies~~ after
 676 use. ~~At any time~~ When human remains ~~any body or bodies or part~~
 677 ~~or parts of any body or bodies, as described in this chapter,~~
 678 ~~shall~~ have been used for, and are not deemed of any ~~no~~ further
 679 value to, medical or dental science, ~~then~~ the person ~~or persons~~
 680 having charge of the remains ~~said body or parts of said body~~ may
 681 dispose of the remains or any part thereof by cremation.

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

685 497.721 ~~406.61~~ Selling, buying, or conveying human remains
 686 ~~bodies~~ outside or within state prohibited; exceptions;
 687 penalty.-

688 (1) Any person who sells or buys human remains or any part
 689 thereof, ~~body or parts of bodies as described in this chapter or~~
 690 any person except a recognized Florida medical or dental school
 691 who transmits or conveys or causes to be transmitted or conveyed
 692 such remains ~~body~~ or part thereof ~~parts of bodies~~ to any place
 693 outside or within this state, commits a misdemeanor of the first
 694 degree, punishable as provided in s. ss. 775.082 ~~or s.~~ and
 695 775.083. However, this chapter does not prohibit the anatomical
 696 board from transporting human remains ~~specimens~~ outside the
 697 state for educational or scientific purposes or prohibit the
 698 transport of human remains, any part of such remains ~~bodies,~~
 699 ~~parts of bodies,~~ or tissue specimens for purposes ~~in furtherance~~
 700 of lawful examination, investigation, or autopsy conducted

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701 pursuant to s. 406.11. Any person, institution, or organization
 702 that conveys human remains ~~bodies~~ or any part thereof within,
 703 ~~parts of bodies~~ into, or out of the state for medical education
 704 or research purposes must ~~shall~~ notify the anatomical board of
 705 such intent and receive approval from the anatomical board.

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

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

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

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

726 (3) Notwithstanding paragraph (2)(c) and in lieu of the
 727 documentation or affidavit required under paragraph (2)(c), ~~for~~
 728 ~~a plastinated body that, before July 1, 2009, was exhibited in~~

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729 ~~this state by~~ any entity accredited by the American Association
730 of Museums that exhibited plastinated human remains in this
731 state before July 1, 2009, ~~such an accredited entity~~ may submit
732 an affidavit to the anatomical board stating that the remains
733 were ~~body was~~ legally acquired and that the company providing
734 the remains ~~body~~ has acquisition documentation on file for the
735 remains ~~body~~. This subsection expires January 1, 2012.

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

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