

1                   A bill to be entitled  
2           An act relating to disposition of human remains;  
3           creating s. 406.49, F.S.; providing definitions;  
4           amending s. 406.50, F.S.; revising procedures for the  
5           reporting and disposition of unclaimed remains;  
6           prohibiting certain uses or dispositions of the  
7           remains of deceased persons whose identities are not  
8           known; amending s. 406.51, F.S.; requiring that local  
9           governmental contracts for the final disposition of  
10          unclaimed remains comply with certain federal  
11          regulations; conforming provisions to changes in  
12          terminology; conforming a cross-reference; amending s.  
13          406.52, F.S.; revising procedures for the anatomical  
14          board's retention of human remains before their use;  
15          providing for claims by, and the release of human  
16          remains to, legally authorized persons after payment  
17          of certain expenses; authorizing county ordinances or  
18          resolutions for the final disposition of the unclaimed  
19          remains of indigent persons; limiting the liability of  
20          certain licensed persons for cremating or burying  
21          human remains under certain circumstances; amending s.  
22          406.53, F.S.; revising exceptions from requirements  
23          for notice to the anatomical board of the death of  
24          indigent persons; deleting a requirement that the  
25          Department of Health assess fees for the burial of  
26          certain bodies; amending ss. 406.55, 406.56, 406.57,  
27          406.58, and 406.59, F.S.; conforming provisions to  
28          changes made by the act; amending s. 406.60, F.S.;

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29 | authorizing certain facilities to dispose of human  
30 | remains by cremation; amending s. 406.61, F.S.;  
31 | revising provisions prohibiting the selling, buying,  
32 | or bartering of human remains or the transmitting or  
33 | conveying of such remains outside the state to include  
34 | application to transmissions and conveyances within  
35 | the state; providing penalties; allowing certain  
36 | accredited schools and organizations to convey human  
37 | remains in or out of state for medical or research  
38 | purposes; establishing criteria for the anatomical  
39 | board to approve the conveyance of human remains;  
40 | requiring documentation authorizing the use of an  
41 | anatomical gift for medical or dental education or  
42 | research purposes; deleting provisions relating to  
43 | procedures for the conveyance of plastinated human  
44 | remains into or out of the state pursuant to their  
45 | scheduled expiration; conforming terminology;  
46 | repealing s. 406.54, F.S., relating to claims of  
47 | bodies after delivery to the anatomical board;  
48 | amending s. 765.513, F.S.; revising the list of donees  
49 | who may accept anatomical gifts and the purposes for  
50 | which such a gift may be used; providing an effective  
51 | date.

52 |  
53 | Be It Enacted by the Legislature of the State of Florida:

54 |  
55 | Section 1. Section 406.49, Florida Statutes, is created to  
56 | read:

- 57 |       406.49 Definitions.—As used in this part, the term:  
 58 |       (1) "Anatomical board" means the anatomical board of the  
 59 | state headquartered at the University of Florida Health Science  
 60 | Center.  
 61 |       (2) "Cremated remains" has the same meaning as in s.  
 62 | 497.005.  
 63 |       (3) "Final disposition" has the same meaning as in s.  
 64 | 497.005.  
 65 |       (4) "Human remains" or "remains" has the same meaning as  
 66 | in s. 497.005.  
 67 |       (5) "Indigent person" means a person whose family income  
 68 | does not exceed 100 percent of the current federal poverty  
 69 | guidelines prescribed for the family's household size by the  
 70 | United States Department of Health and Human Services.  
 71 |       (6) "Legally authorized person" has the same meaning as in  
 72 | s. 497.005.  
 73 |       (7) "Unclaimed remains" means human remains that are not  
 74 | claimed by a legally authorized person, other than a medical  
 75 | examiner or the board of county commissioners, for final  
 76 | disposition at the person's expense.

77 |       Section 2. Section 406.50, Florida Statutes, is amended to  
 78 | read:

79 |       406.50 Unclaimed ~~dead bodies or human~~ remains;  
 80 | disposition, procedure.—

- 81 |       (1) A person or entity that comes ~~All public officers,~~  
 82 | ~~agents, or employees of every county, city, village, town, or~~  
 83 | ~~municipality and every person in charge of any prison, morgue,~~  
 84 | ~~hospital, funeral parlor, or mortuary and all other persons~~

85 ~~coming~~ into possession, charge, or control of unclaimed ~~any dead~~  
 86 ~~human body or remains~~ that ~~which are unclaimed or which are~~  
 87 required to be buried or cremated at public expense shall ~~are~~  
 88 ~~hereby required to notify,~~ immediately notify, the anatomical  
 89 board, unless:

90 (a) The unclaimed remains are decomposed or mutilated by  
 91 wounds;

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

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

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

102 (e) The deceased person was a veteran of the United States  
 103 Armed Forces, United States Reserve Forces, or National Guard  
 104 and is eligible for burial in a national cemetery or was the  
 105 spouse or dependent child of a veteran eligible for burial in a  
 106 national cemetery.

107 (2)-(1) Before the final disposition of unclaimed remains,  
 108 ~~the person or entity in charge or control of the~~ ~~dead body or~~  
 109 ~~human remains shall make a reasonable effort to determine:~~

110 (a) Determine the identity of the deceased person and  
 111 ~~shall further make a reasonable effort to contact any relatives~~  
 112 of the ~~such~~ deceased person.

113           (b) Determine whether ~~or not~~ the deceased person is  
 114 eligible under 38 C.F.R. s. 38.620 for ~~entitled to~~ burial in a  
 115 national cemetery as a veteran of the armed forces and, if  
 116 eligible ~~so,~~ to cause the deceased person's remains or cremated  
 117 remains to be delivered to a national cemetery shall make  
 118 ~~arrangements for such burial services in accordance with the~~  
 119 ~~provisions of 38 C.F.R.~~

120  
 121 For purposes of this subsection, "a reasonable effort" includes  
 122 contacting the National Cemetery Scheduling Office, the county  
 123 veterans service office, or the regional office of the United  
 124 States Department of Veterans Affairs.

125           (3)~~(2)~~ Unclaimed remains ~~Such dead human bodies as~~  
 126 ~~described in this chapter~~ shall be delivered to the anatomical  
 127 board as soon as possible after death. When no family exists or  
 128 is available, a funeral director licensed under chapter 497 may  
 129 assume the responsibility of a legally authorized person and  
 130 may, after 24 hours have elapsed from the time of death,  
 131 authorize arterial embalming for the purposes of storage and  
 132 delivery of unclaimed remains to the anatomical board. A funeral  
 133 director licensed under chapter 497 is not liable for damages  
 134 under this subsection.

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

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

141 death occurred may authorize and arrange for the burial or  
 142 cremation of the entire remains. A board of county commissioners  
 143 may, in accordance with applicable laws and rules, prescribe  
 144 policies and procedures for final disposition of unclaimed  
 145 remains by resolution or ordinance.

146 ~~(6)(3)~~ This part does not ~~Nothing herein shall~~ affect the  
 147 right of a medical examiner to hold human ~~such dead body or~~  
 148 remains for the purpose of investigating the cause of death or  
 149 ~~nor shall this chapter affect~~ the right of any court of  
 150 competent jurisdiction to enter an order affecting the  
 151 disposition of such ~~body or~~ remains.

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

155  
 156 ~~For purposes of this chapter, the term "anatomical board" means~~  
 157 ~~the anatomical board of this state located at the University of~~  
 158 ~~Florida Health Science Center, and the term "unclaimed" means a~~  
 159 ~~dead body or human remains that is not claimed by a legally~~  
 160 ~~authorized person, as defined in s. 497.005, for interment at~~  
 161 ~~that person's expense.~~

162 Section 3. Section 406.51, Florida Statutes, is amended to  
 163 read:

164 406.51 Final disposition of unclaimed deceased veterans;  
 165 contract requirements.—Any contract by a local governmental  
 166 entity for the final disposition ~~disposal~~ of unclaimed ~~human~~  
 167 remains must provide for compliance with s. 406.50(2) ~~(1)~~ and

168 require that the procedures in 38 C.F.R. s. 38.620, relating to  
169 disposition of unclaimed deceased veterans, are ~~be~~ followed.

170 Section 4. Section 406.52, Florida Statutes, is amended to  
171 read:

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

174 406.52 Retention of human remains before use; claim after  
175 delivery to anatomical board; procedures for unclaimed remains  
176 of indigent persons.—

177 (1) The anatomical board shall keep in storage all human  
178 remains that it receives for at least 48 hours before allowing  
179 their use for medical education or research. Human remains may  
180 be embalmed when received. The anatomical board may, for any  
181 reason, refuse to accept unclaimed remains or the remains of an  
182 indigent person.

183 (2) At any time before their use for medical education or  
184 research, human remains delivered to the anatomical board may be  
185 claimed by a legally authorized person. The anatomical board  
186 shall release the remains to the legally authorized person after  
187 payment of the anatomical board's expenses incurred for  
188 transporting, embalming, and storing the remains.

189 (3) (a) A board of county commissioners may, in accordance  
190 with applicable laws and rules, prescribe policies and  
191 procedures for the burial or cremation of the entire unclaimed  
192 remains of an indigent person whose remains are found, or whose  
193 death occurred in the county, by resolution or ordinance.

194 (b) A person licensed under chapter 497 is not liable for  
195 any damages resulting from cremating or burying such human

196 remains at the written direction of the board of county  
 197 commissioners or its designee.

198 Section 5. Section 406.53, Florida Statutes, is amended to  
 199 read:

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

202 406.53 Unclaimed remains of indigent person; exemption  
 203 from notice to the anatomical board.—A county commission or  
 204 designated county department that receives a report of the  
 205 unclaimed remains of an indigent person, notwithstanding s.  
 206 406.50(1), is not required to notify the anatomical board of the  
 207 remains if:

208 (1) The indigent person's remains are decomposed or  
 209 mutilated by wounds or if an autopsy is performed on the  
 210 remains;

211 (2) A legally authorized person or a relative by blood or  
 212 marriage claims the remains for final disposition at his or her  
 213 expense or, if such relative or legally authorized person is  
 214 also an indigent person, in a manner consistent with the  
 215 policies and procedures of the board of county commissioners of  
 216 the county in which the remains are found or the death occurred;

217 (3) The deceased person was a veteran of the United States  
 218 Armed Forces, United States Reserve Forces, or National Guard  
 219 and is eligible for burial in a national cemetery or was the  
 220 spouse or dependent child of a veteran eligible for burial in a  
 221 national cemetery; or

222 (4) A funeral director licensed under chapter 497  
 223 certifies that the anatomical board has been notified and either



224 accepted or declined the remains.

225 Section 6. Section 406.55, Florida Statutes, is amended to  
226 read:

227 406.55 Contracts for delivery of human remains ~~body~~ after  
228 death prohibited.—The anatomical board may not enter ~~is~~  
229 ~~specifically prohibited from entering~~ into any contract, oral or  
230 written, that provides for ~~whereby~~ any sum of money to ~~shall~~ be  
231 paid to any living person in exchange for ~~which~~ the delivery of  
232 that person's remains ~~body of said person shall be delivered to~~  
233 the anatomical board when the ~~such living~~ person dies.

234 Section 7. Section 406.56, Florida Statutes, is amended to  
235 read:

236 406.56 Acceptance of human remains ~~bodies~~ under will.—If  
237 any person ~~being~~ of sound mind executes ~~shall execute~~ a will  
238 leaving his or her remains ~~body~~ to the anatomical board for ~~the~~  
239 ~~advancement of~~ medical education or research ~~science~~ and the  
240 ~~such~~ person dies within the geographical limits of the state,  
241 the anatomical board may ~~is hereby empowered to~~ accept and  
242 receive the person's remains ~~such body~~.

243 Section 8. Section 406.57, Florida Statutes, is amended to  
244 read:

245 406.57 Distribution of human remains ~~dead bodies~~.—The  
246 anatomical board or its duly authorized agent shall take and  
247 receive human remains ~~the bodies~~ delivered to it as provided in  
248 ~~under the provisions of~~ this chapter and shall:

249 (1) Distribute the remains ~~them~~ equitably ~~to and~~ among the  
250 medical and dental schools, teaching hospitals, medical  
251 institutions, and health-related teaching programs that require

252 cadaveric material for study; or

253 (2) Loan the remains ~~same may be loaned for examination or~~  
 254 ~~study purposes to accredited colleges of mortuary science~~  
 255 ~~recognized associations of licensed embalmers or funeral~~  
 256 ~~directors,~~ or medical or dental examining boards for educational  
 257 or research purposes at the discretion of the anatomical board.

258 Section 9. Section 406.58, Florida Statutes, is amended to  
 259 read:

260 406.58 Fees; authority to accept additional funds; annual  
 261 audit.—

262 (1) The anatomical board may:

263 (a) Adopt ~~is empowered to prescribe~~ a schedule of fees to  
 264 be collected from the institutions ~~institution or association~~ to  
 265 which the human remains ~~bodies, as described in this chapter,~~  
 266 are distributed or loaned to defray the costs of obtaining and  
 267 preparing the remains ~~such bodies.~~

268 (b) (2) ~~The anatomical board is hereby empowered to~~ Receive  
 269 money from public or private sources, in addition to the fees  
 270 collected from the institutions ~~institution or association~~ to  
 271 which human remains ~~the bodies~~ are distributed, to be used to  
 272 defray the costs of embalming, handling, shipping, storing,  
 273 cremating, and otherwise ~~storage, cremation, and other costs~~  
 274 ~~relating to the obtaining and using the remains. use of such~~  
 275 ~~bodies as described in this chapter; the anatomical board is~~  
 276 ~~empowered to~~

277 (c) Pay the reasonable expenses, as determined by the  
 278 anatomical board, incurred by a funeral establishment licensed  
 279 under chapter 497 transporting unclaimed human remains ~~any~~

280 ~~person delivering the bodies as described in this chapter to the~~  
 281 ~~anatomical board, and is further empowered to~~

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

284 (2) The Department of Financial Services shall keep and  
 285 annually audit a complete record of all fees and other financial  
 286 transactions of the ~~said~~ anatomical board and shall annually  
 287 submit ~~be kept and audited annually by the Department of~~  
 288 ~~Financial Services,~~ and a report of the ~~such~~ audit ~~shall be made~~  
 289 annually to the University of Florida.

290 Section 10. Section 406.59, Florida Statutes, is amended  
 291 to read:

292 406.59 Institutions receiving human remains ~~bodies~~. ~~A~~ ~~No~~  
 293 university, school, college, teaching hospital, or institution  
 294 may not, ~~or association shall be allowed or permitted to receive~~  
 295 any human remains from the anatomical board ~~such body or bodies~~  
 296 ~~as described in this chapter~~ until its facilities are ~~have been~~  
 297 inspected and approved by the anatomical board. Human remains  
 298 ~~All such bodies~~ received by such university, school, college,  
 299 teaching hospital, or institution may not, ~~or association shall~~  
 300 be used for any ~~no other~~ purpose other than ~~the promotion of~~  
 301 medical education or research ~~science~~.

302 Section 11. Section 406.60, Florida Statutes, is amended  
 303 to read:

304 406.60 Disposition of human remains ~~bodies~~ after use. ~~At~~  
 305 ~~any time~~ When human remains ~~any body or bodies or part or parts~~  
 306 ~~of any body or bodies,~~ as described in this chapter, shall have  
 307 been used for, and are not ~~deemed~~ of any ~~no~~ further value to,

308 | medical or dental education or research ~~science~~, then the  
 309 | anatomical board or a cinerator facility licensed under chapter  
 310 | 497 ~~person or persons having charge of said body or parts of~~  
 311 | ~~said body~~ may dispose of the remains or any part thereof by  
 312 | cremation.

313 |       Section 12. Section 406.61, Florida Statutes, is amended  
 314 | to read:

315 |       406.61 Selling, buying, bartering, or conveying human  
 316 | remains ~~bodies~~ outside or within state prohibited; exceptions;7  
 317 | penalty.-

318 |       (1) Any person who sells, ~~or~~ buys, or barters human  
 319 | remains or any part thereof, ~~body or parts of bodies as~~  
 320 | ~~described in this chapter~~ or any person except a recognized  
 321 | Florida medical or dental school who transmits or conveys or  
 322 | causes to be transmitted or conveyed such remains ~~body~~ or part  
 323 | thereof ~~parts of bodies~~ to any place outside or within this  
 324 | state, commits a misdemeanor of the first degree, punishable as  
 325 | provided in s. ss. 775.082 or s. ~~and~~ 775.083. However, this  
 326 | chapter does not prohibit the anatomical board from transporting  
 327 | human remains ~~specimens~~ outside or within the state for  
 328 | educational or scientific purposes or prohibit the transport of  
 329 | human remains, any part of such remains ~~bodies, parts of bodies,~~  
 330 | or tissue specimens for purposes ~~in furtherance~~ of lawful  
 331 | examination, investigation, or autopsy conducted pursuant to s.  
 332 | 406.11.

333 |       (2) Any nontransplant anatomical donation organization  
 334 | accredited by the American Association of Tissue Banks or an  
 335 | accredited medical or dental college or university may convey

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336 human remains ~~person, institution, or organization that conveys~~  
337 ~~bodies~~ or any part thereof within, parts of bodies into, or out  
338 of the state for medical or dental education or research  
339 purposes. A nontransplant anatomical donation organization need  
340 not be accredited as required by this section until July 1,  
341 2013. The organization or accredited medical or dental college  
342 or university must ~~shall~~ notify the anatomical board at least 3  
343 business days before the entity intends to convey ~~of~~ such  
344 remains ~~intent~~ and must receive approval from the anatomical  
345 board before conveyance. If the 3rd business day falls on a  
346 weekend or legal holiday, the next business day is deemed to be  
347 the 3rd business day. The anatomical board shall require the  
348 following information to be submitted by the entity before  
349 approval:

350 (a) The name, physical location, and date of the course,  
351 conference, or seminar and the organization or facility  
352 receiving the remains or specimens, including the physical  
353 address and telephone number.

354 (b) A description and intended use of the remains or  
355 specimens.

356 (c) The name, physical address, and telephone number of  
357 the organization or facility supplying specimens and handling  
358 the transfer of the remains or specimens.

359 (d) Documentation from a legally authorized person who may  
360 make an anatomical gift pursuant to s. 765.512 authorizing its  
361 use in medical or dental education or research. If the remains  
362 or any part thereof is to be segmented or disarticulated, such  
363 documentation must include the legally authorized person's

364 specific consent and must describe any part of the remains that  
365 is to be segmented or disarticulated. An exception to the  
366 documentation requirements of this paragraph may be made for  
367 specimens being shipped into the state, in which case an  
368 affidavit may be submitted by an accredited nontransplant  
369 anatomical organization as provided in this section stating that  
370 the organization has donation and consent forms on file for the  
371 remains from which each specimen has been provided specifically  
372 authorizing segmentation or disarticulation of the remains. The  
373 affidavit must also state that no specimen being shipped into  
374 the state has been received from a second party.

375 (e) An outline of the security measures in place for  
376 maintaining control of and safeguarding the remains or specimens  
377 at the organization or facility before, during, and after the  
378 course, conference, or seminar.

379 (f) The procedures for disposal of the remains or  
380 specimens after the course, conference, or seminar is concluded  
381 or after the organization or facility receiving the remains or  
382 specimens has completed their use, including the name, address,  
383 and telephone number of the entity responsible for performing  
384 cremation.

385  
386 The anatomical board shall grant or deny requests for approval  
387 within 3 business days after receipt of the required  
388 information. Failure to provide such information is grounds for  
389 denial of the request. If the request is not approved or denied  
390 within 3 business days after receipt, it is deemed approved. If  
391 the 3rd business day falls on a weekend or legal holiday, the

392 next business day is deemed to be the 3rd business day. If the  
393 anatomical board denies a request, it must provide a written  
394 statement of the reasons for denial.

395 (3)~~(2)~~ Any entity accredited by the American Association  
396 of Museums may convey plastinated human remains ~~bodies~~ or any  
397 part thereof within, parts of bodies into, or out of the state  
398 for exhibition and public educational purposes without the  
399 consent of the anatomical board if the accredited entity:

400 (a) Notifies the anatomical board of the conveyance and  
401 the duration and location of the exhibition at least 30 days  
402 before the intended conveyance.

403 (b) Submits to the anatomical board a description of the  
404 remains ~~bodies~~ or any part thereof ~~parts of bodies~~ and the name  
405 and address of the company providing the remains ~~bodies~~ or any  
406 part thereof ~~parts of bodies~~.

407 (c) Submits to the anatomical board documentation that the  
408 remains or each part thereof ~~body~~ was donated by the decedent or  
409 his or her next of kin for purposes of plastination and public  
410 exhibition, or, in lieu of such documentation, an affidavit  
411 stating that the remains or each part thereof ~~body~~ was donated  
412 directly by the decedent or his or her next of kin for such  
413 purposes to the company providing the remains ~~body~~ and that such  
414 company has a donation form on file for the remains ~~body~~.

415 ~~(3) Notwithstanding paragraph (2) (c) and in lieu of the~~  
416 ~~documentation or affidavit required under paragraph (2) (c), for~~  
417 ~~a plastinated body that, before July 1, 2009, was exhibited in~~  
418 ~~this state by any entity accredited by the American Association~~  
419 ~~of Museums, such an accredited entity may submit an affidavit to~~

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420 ~~the board stating that the body was legally acquired and that~~  
421 ~~the company providing the body has acquisition documentation on~~  
422 ~~file for the body. This subsection expires January 1, 2012.~~

423 Section 13. Section 406.54, Florida Statutes, is repealed.

424 Section 14. Subsection (1) of section 765.513, Florida  
425 Statutes, is amended to read:

426 765.513 Donees; purposes for which anatomical gifts may be  
427 made.—

428 (1) The following persons or entities may become donees of  
429 anatomical gifts of bodies or parts of them for the purposes  
430 stated:

431 (a) Any procurement organization or accredited medical or  
432 dental school, college, or university for education, research,  
433 therapy, or transplantation.

434 (b) Any individual specified by name for therapy or  
435 transplantation needed by him or her.

436 (c) The anatomical board as defined in s. 406.49(1) for  
437 donation of the whole body for medical or dental education or  
438 research.

439 Section 15. This act shall take effect July 1, 2012.