



317402

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/08/2012	.	
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	.	
	.	

The Committee on Regulated Industries (Thrasher) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 406.49, Florida Statutes, is created to
read:

406.49 Definitions.—As used in this part, the term:

(1) "Anatomical board" means the anatomical board of the
state headquartered at the University of Florida Health Science
Center.

(2) "Cremated remains" has the same meaning as in s.
497.005.



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13 (3) "Final disposition" has the same meaning as in s.
14 497.005.

15 (4) "Human remains" or "remains" has the same meaning as in
16 s. 497.005.

17 (5) "Indigent person" means a person whose family income
18 does not exceed 100 percent of the current federal poverty
19 guidelines prescribed for the family's household size by the
20 United States Department of Health and Human Services.

21 (6) "Legally authorized person" has the same meaning as in
22 s. 497.005.

23 (7) "Unclaimed remains" means human remains that are not
24 claimed by a legally authorized person, other than a medical
25 examiner or the board of county commissioners, for final
26 disposition at the person's expense.

27 Section 2. Section 406.50, Florida Statutes, is amended to
28 read:

29 406.50 ~~Unclaimed dead bodies or human remains; disposition,~~
30 ~~procedure.-~~

31 (1) A person or entity that comes ~~All public officers,~~
32 ~~agents, or employees of every county, city, village, town, or~~
33 ~~municipality and every person in charge of any prison, morgue,~~
34 ~~hospital, funeral parlor, or mortuary and all other persons~~
35 ~~coming into possession, charge, or control of~~ unclaimed ~~any dead~~
36 ~~human body or remains that which are unclaimed or which are~~
37 ~~required to be buried or cremated at public expense~~ shall ~~are~~
38 ~~hereby required to notify,~~ immediately notify, the anatomical
39 board, unless:

40 (a) The unclaimed remains are decomposed or mutilated by
41 wounds;



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- 42 (b) An autopsy is performed on the remains;
- 43 (c) The remains contain ~~whenever any such body, bodies, or~~
44 ~~remains come into its possession, charge, or control.~~
45 ~~Notification of the anatomical board is not required if the~~
46 ~~death was caused by crushing injury, the deceased had a~~
47 ~~contagious disease;~~
- 48 (d) A legally authorized person, ~~an autopsy was required to~~
49 ~~determine cause of death, the body was in a state of severe~~
50 ~~decomposition, or a family member objects to use of the~~ remains
51 body for medical education or and research; or
- 52 (e) The deceased person was a veteran of the United States
53 Armed Forces, United States Reserve Forces, or National Guard
54 and is eligible for burial in a national cemetery or was the
55 spouse or dependent child of a veteran eligible for burial in a
56 national cemetery.
- 57 (2)(1) Before the final disposition of unclaimed remains,
58 the person or entity in charge or control of the ~~dead body or~~
59 ~~human~~ remains shall make a reasonable effort to determine:
- 60 (a) Determine the identity of the deceased person and ~~shall~~
61 ~~further make a reasonable effort to~~ contact any relatives of the
62 ~~such~~ deceased person.
- 63 (b) Determine whether ~~or not~~ the deceased person is
64 eligible under 38 C.F.R. s. 38.620 for ~~entitled to~~ burial in a
65 national cemetery as a veteran of the armed forces and, if
66 eligible so, to cause the deceased person's remains or cremated
67 remains to be delivered to a national cemetery ~~shall make~~
68 ~~arrangements for such burial services in accordance with the~~
69 ~~provisions of 38 C.F.R.~~



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71 For purposes of this subsection, "a reasonable effort" includes
72 contacting the National Cemetery Scheduling Office, the county
73 veterans service office, or the regional office of the United
74 States Department of Veterans Affairs.

75 ~~(3)(2) Unclaimed remains~~ Such dead human bodies as
76 described in this chapter shall be delivered to the anatomical
77 board as soon as possible after death. When no family exists or
78 is available, a funeral director licensed under chapter 497 may
79 assume the responsibility of a legally authorized person and
80 may, after 24 hours have elapsed from the time of death,
81 authorize arterial embalming for the purposes of storage and
82 delivery of unclaimed remains to the anatomical board. A funeral
83 director licensed under chapter 497 is not liable for damages
84 under this subsection.

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

88 (5) If the anatomical board does not accept the unclaimed
89 remains, the county commission, or its designated county
90 department, of the county in which the remains are found or the
91 death occurred may authorize and arrange for the burial or
92 cremation of the entire remains. A board of county commissioners
93 may, in accordance with applicable laws and rules, prescribe
94 policies and procedures for final disposition of unclaimed
95 remains by resolution or ordinance.

96 ~~(6)(3) This part does not~~ Nothing herein shall affect the
97 right of a medical examiner to hold human ~~such dead body or~~
98 remains for the purpose of investigating the cause of death or
99 ~~nor shall this chapter affect~~ the right of any court of



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100 competent jurisdiction to enter an order affecting the
101 disposition of such ~~body or~~ remains.

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

105
106 ~~For purposes of this chapter, the term "anatomical board" means~~
107 ~~the anatomical board of this state located at the University of~~
108 ~~Florida Health Science Center, and the term "unclaimed" means a~~
109 ~~dead body or human remains that is not claimed by a legally~~
110 ~~authorized person, as defined in s. 497.005, for interment at~~
111 ~~that person's expense.~~

112 Section 3. Section 406.51, Florida Statutes, is amended to
113 read:

114 406.51 Final disposition of unclaimed deceased veterans;
115 contract requirements.—Any contract by a local governmental
116 entity for the final disposition ~~disposal~~ of unclaimed human
117 remains must provide for compliance with s. 406.50(2)(1) and
118 require that the procedures in 38 C.F.R. s. 38.620, relating to
119 disposition of unclaimed deceased veterans, are ~~be~~ followed.

120 Section 4. Section 406.52, Florida Statutes, is amended to
121 read:

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

124 406.52 Retention of human remains before use; claim after
125 delivery to anatomical board; procedures for unclaimed remains
126 of indigent persons.—

127 (1) The anatomical board shall keep in storage all human
128 remains that it receives for at least 48 hours before allowing



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129 their use for medical education or research. Human remains may
130 be embalmed when received. The anatomical board may, for any
131 reason, refuse to accept unclaimed remains or the remains of an
132 indigent person.

133 (2) At any time before their use for medical education or
134 research, human remains delivered to the anatomical board may be
135 claimed by a legally authorized person. The anatomical board
136 shall release the remains to the legally authorized person after
137 payment of the anatomical board's expenses incurred for
138 transporting, embalming, and storing the remains.

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

144 (b) A person licensed under chapter 497 is not liable for
145 any damages resulting from cremating or burying such human
146 remains at the written direction of the board of county
147 commissioners or its designee.

148 Section 5. Section 406.53, Florida Statutes, is amended to
149 read:

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

152 406.53 Unclaimed remains of indigent person; exemption from
153 notice to the anatomical board.—A county commission or
154 designated county department that receives a report of the
155 unclaimed remains of an indigent person, notwithstanding s.
156 406.50(1), is not required to notify the anatomical board of the
157 remains if:



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158 (1) The indigent person's remains are decomposed or
159 mutilated by wounds or if an autopsy is performed on the
160 remains;

161 (2) A legally authorized person or a relative by blood or
162 marriage claims the remains for final disposition at his or her
163 expense or, if such relative or legally authorized person is
164 also an indigent person, in a manner consistent with the
165 policies and procedures of the board of county commissioners of
166 the county in which the remains are found or the death occurred;

167 (3) The deceased person was a veteran of the United States
168 Armed Forces, United States Reserve Forces, or National Guard
169 and is eligible for burial in a national cemetery or was the
170 spouse or dependent child of a veteran eligible for burial in a
171 national cemetery; or

172 (4) A funeral director licensed under chapter 497 certifies
173 that the anatomical board has been notified and either accepted
174 or declined the remains.

175 Section 6. Section 406.55, Florida Statutes, is amended to
176 read:

177 406.55 Contracts for delivery of human remains ~~body~~ after
178 death prohibited.—The anatomical board may not enter is
179 ~~specifically prohibited from entering~~ into any contract, oral or
180 written, that provides for ~~whereby~~ any sum of money to ~~shall~~ be
181 paid to any living person in exchange for ~~which~~ the delivery of
182 that person's remains ~~body of said person shall be delivered~~ to
183 the anatomical board when the ~~such living~~ person dies.

184 Section 7. Section 406.56, Florida Statutes, is amended to
185 read:

186 406.56 Acceptance of human remains ~~bodies~~ under will.—If



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187 any person ~~being~~ of sound mind executes ~~shall execute~~ a will
188 leaving his or her remains ~~body~~ to the anatomical board for ~~the~~
189 ~~advancement of~~ medical education or research ~~science and the~~
190 ~~such~~ person dies within the geographical limits of the state,
191 the anatomical board may ~~is hereby empowered to~~ accept and
192 receive the person's remains ~~such body~~.

193 Section 8. Section 406.57, Florida Statutes, is amended to
194 read:

195 406.57 Distribution of human remains ~~dead bodies~~.—The
196 anatomical board or its duly authorized agent shall take and
197 receive human remains ~~the bodies~~ delivered to it as provided in
198 ~~under the provisions of~~ this chapter and shall:

199 (1) Distribute the remains ~~them~~ equitably ~~to and~~ among the
200 medical and dental schools, teaching hospitals, medical
201 institutions, and health-related teaching programs that require
202 cadaveric material for study; or

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

208 Section 9. Section 406.58, Florida Statutes, is amended to
209 read:

210 406.58 Fees; authority to accept additional funds; annual
211 audit.—

212 (1) The anatomical board may:

213 (a) Adopt ~~is empowered to prescribe~~ a schedule of fees to
214 be collected from the institutions ~~institution or association~~ to
215 which the human remains ~~bodies, as described in this chapter,~~



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216 are distributed or loaned to defray the costs of obtaining and
217 preparing the remains ~~such bodies~~.

218 (b) (2) ~~The anatomical board is hereby empowered to~~ Receive
219 money from public or private sources, in addition to the fees
220 collected from the institutions ~~institution or association to~~
221 which human remains ~~the bodies~~ are distributed, to be used to
222 defray the costs of embalming, handling, shipping, storing,
223 cremating, and otherwise ~~storage, cremation, and other costs~~
224 ~~relating to the~~ obtaining and using the remains. ~~use of such~~
225 ~~bodies as described in this chapter; the anatomical board is~~
226 ~~empowered to~~

227 (c) Pay the reasonable expenses, as determined by the
228 anatomical board, incurred by a funeral establishment licensed
229 under chapter 497 transporting unclaimed human remains ~~any~~
230 ~~person delivering the bodies as described in this chapter to the~~
231 anatomical board. ~~and is further empowered to~~

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

234 (2) The Department of Financial Services shall keep and
235 annually audit a complete record of all fees and other financial
236 transactions of the ~~said~~ anatomical board and shall annually
237 submit ~~be kept and audited annually by the Department of~~
238 ~~Financial Services,~~ and a report of the such audit ~~shall be made~~
239 annually to the University of Florida.

240 Section 10. Section 406.59, Florida Statutes, is amended to
241 read:

242 406.59 Institutions receiving human remains ~~bodies.~~ ~~A No~~
243 university, school, college, teaching hospital, or institution
244 may not, ~~or association shall be allowed or permitted to receive~~



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245 any human remains from the anatomical board ~~such body or bodies~~
246 ~~as described in this chapter~~ until its facilities are ~~have been~~
247 inspected and approved by the anatomical board. Human remains
248 ~~All such bodies~~ received by such university, school, college,
249 teaching hospital, or institution may not, ~~or association shall~~
250 be used for any ~~no other~~ purpose other than ~~the promotion of~~
251 medical education or research ~~science~~.

252 Section 11. Section 406.60, Florida Statutes, is amended to
253 read:

254 406.60 Disposition of human remains ~~bodies~~ after use. ~~At~~
255 ~~any time~~ When human remains ~~any body or bodies or part or parts~~
256 ~~of any body or bodies,~~ as described in this chapter, shall have
257 been used for, and are not ~~deemed~~ of any ~~no~~ further value to,
258 medical or dental education or research ~~science,~~ then the
259 anatomical board or a cinerator facility licensed under chapter
260 497 ~~person or persons having charge of said body or parts of~~
261 ~~said body~~ may dispose of the remains or any part thereof by
262 cremation.

263 Section 12. Section 406.61, Florida Statutes, is amended to
264 read:

265 406.61 Selling, buying, bartering, or conveying human
266 remains ~~bodies~~ outside or within state prohibited; exceptions;7
267 penalty.-

268 (1) Any person who sells, ~~or~~ buys, or barters human remains
269 or any part thereof, ~~body or parts of bodies as described in~~
270 ~~this chapter~~ or any person except a recognized Florida medical
271 or dental school who transmits or conveys or causes to be
272 transmitted or conveyed such remains ~~body~~ or part thereof ~~parts~~
273 ~~of bodies~~ to any place outside or within this state, commits a



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274 misdemeanor of the first degree, punishable as provided in s.
275 ~~ss.~~ 775.082 or s. and 775.083. However, this chapter does not
276 prohibit the anatomical board from transporting human remains
277 ~~specimens~~ outside or within the state for educational or
278 scientific purposes or prohibit the transport of human remains,
279 any part of such remains ~~bodies, parts of bodies,~~ or tissue
280 specimens for purposes in furtherance of lawful examination,
281 investigation, or autopsy conducted pursuant to s. 406.11.

282 (2) Any nontransplant anatomical donation organization
283 accredited by the American Association of Tissue Banks or an
284 accredited medical or dental college or university may convey
285 human remains ~~person, institution, or organization that conveys~~
286 ~~bodies~~ or any part thereof within, parts of bodies into, or out
287 of the state for medical or dental education or research
288 purposes. A nontransplant anatomical donation organization need
289 not be accredited as required by this section until July 1,
290 2013. The organization or accredited medical or dental college
291 or university must ~~shall~~ notify the anatomical board at least 3
292 business days before the entity intends to convey ~~of~~ such
293 remains ~~intent~~ and must receive approval from the anatomical
294 board before conveyance. If the 3rd business day falls on a
295 weekend or legal holiday, the next business day is deemed to be
296 the 3rd business day. The anatomical board shall require the
297 following information to be submitted by the entity before
298 approval:

299 (a) The name, physical location, and date of the course,
300 conference, or seminar and the organization or facility
301 receiving the remains or specimens, including the physical
302 address and telephone number.



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303 (b) A description and intended use of the remains or
304 specimens.

305 (c) The name, physical address, and telephone number of the
306 organization or facility supplying specimens and handling the
307 transfer of the remains or specimens.

308 (d) Documentation from a legally authorized person who may
309 make an anatomical gift pursuant to s. 765.512 authorizing its
310 use in medical or dental education or research. If the remains
311 or any part thereof is to be segmented or disarticulated, such
312 documentation must include the legally authorized person's
313 specific consent and must describe any part of the remains that
314 is to be segmented or disarticulated. An exception to the
315 documentation requirements of this paragraph may be made for
316 specimens being shipped into the state, in which case an
317 affidavit may be submitted by an accredited nontransplant
318 anatomical organization as provided in this section stating that
319 the organization has donation and consent forms on file for the
320 remains from which each specimen has been provided specifically
321 authorizing segmentation or disarticulation of the remains. The
322 affidavit must also state that no specimen being shipped into
323 the state has been received from a second party.

324 (e) An outline of the security measures in place for
325 maintaining control of and safeguarding the remains or specimens
326 at the organization or facility before, during, and after the
327 course, conference, or seminar.

328 (f) The procedures for disposal of the remains or specimens
329 after the course, conference, or seminar is concluded or after
330 the organization or facility receiving the remains or specimens
331 has completed their use, including the name, address, and



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332 telephone number of the entity responsible for performing
333 cremation.

334
335 The anatomical board shall grant or deny requests for approval
336 within 3 business days after receipt of the required
337 information. Failure to provide such information is grounds for
338 denial of the request. If the request is not approved or denied
339 within 3 business days after receipt, it is deemed approved. If
340 the 3rd business day falls on a weekend or legal holiday, the
341 next business day is deemed to be the 3rd business day. If the
342 anatomical board denies a request, it must provide a written
343 statement of the reasons for denial.

344 (3)-(2) Any entity accredited by the American Association of
345 Museums may convey plastinated human remains ~~bodies~~ or any part
346 thereof within, ~~parts of bodies~~ into, or out of the state for
347 exhibition and public educational purposes without the consent
348 of the anatomical board if the accredited entity:

349 (a) Notifies the anatomical board of the conveyance and the
350 duration and location of the exhibition at least 30 days before
351 the intended conveyance.

352 (b) Submits to the anatomical board a description of the
353 remains ~~bodies~~ or any part thereof ~~parts of bodies~~ and the name
354 and address of the company providing the remains ~~bodies~~ or any
355 part thereof ~~parts of bodies~~.

356 (c) Submits to the anatomical board documentation that the
357 remains or each part thereof ~~body~~ was donated by the decedent or
358 his or her next of kin for purposes of plastination and public
359 exhibition, or, in lieu of such documentation, an affidavit
360 stating that the remains or each part thereof ~~body~~ was donated



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361 directly by the decedent or his or her next of kin for such
362 purposes to the company providing the remains body and that such
363 company has a donation form on file for the remains body.

364 ~~(3) Notwithstanding paragraph (2)(c) and in lieu of the~~
365 ~~documentation or affidavit required under paragraph (2)(c), for~~
366 ~~a plastinated body that, before July 1, 2009, was exhibited in~~
367 ~~this state by any entity accredited by the American Association~~
368 ~~of Museums, such an accredited entity may submit an affidavit to~~
369 ~~the board stating that the body was legally acquired and that~~
370 ~~the company providing the body has acquisition documentation on~~
371 ~~file for the body. This subsection expires January 1, 2012.~~

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

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

375 765.513 Donees; purposes for which anatomical gifts may be
376 made.—

377 (1) The following persons or entities may become donees of
378 anatomical gifts of bodies or parts of them for the purposes
379 stated:

380 (a) Any procurement organization or accredited medical or
381 dental school, college, or university for education, research,
382 therapy, or transplantation.

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

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

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

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390 ===== T I T L E A M E N D M E N T =====

391 And the title is amended as follows:

392 Delete everything before the enacting clause
393 and insert:

394 A bill to be entitled
395 An act relating to disposition of human remains;
396 creating s. 406.49, F.S.; providing definitions;
397 amending s. 406.50, F.S.; revising procedures for the
398 reporting and disposition of unclaimed remains;
399 prohibiting certain uses or dispositions of the
400 remains of deceased persons whose identities are not
401 known; amending s. 406.51, F.S.; requiring that local
402 governmental contracts for the final disposition of
403 unclaimed remains comply with certain federal
404 regulations; conforming provisions to changes in
405 terminology; conforming a cross-reference; amending s.
406 406.52, F.S.; revising procedures for the anatomical
407 board's retention of human remains before their use;
408 providing for claims by, and the release of human
409 remains to, legally authorized persons after payment
410 of certain expenses; authorizing county ordinances or
411 resolutions for the final disposition of the unclaimed
412 remains of indigent persons; limiting the liability of
413 certain licensed persons for cremating or burying
414 human remains under certain circumstances; amending s.
415 406.53, F.S.; revising exceptions from requirements
416 for notice to the anatomical board of the death of
417 indigent persons; deleting a requirement that the
418 Department of Health assess fees for the burial of



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419 certain bodies; amending ss. 406.55, 406.56, 406.57,
420 406.58, and 406.59, F.S.; conforming provisions to
421 changes made by the act; amending s. 406.60, F.S.;
422 authorizing certain facilities to dispose of human
423 remains by cremation; amending s. 406.61, F.S.;
424 revising provisions prohibiting the selling, buying,
425 or bartering of human remains or the transmitting or
426 conveying of such remains outside the state to include
427 application to transmissions and conveyances within
428 the state; providing penalties; allowing certain
429 accredited schools and organizations to convey human
430 remains in or out of state for medical or research
431 purposes; establishing criteria for the anatomical
432 board to approve the conveyance of human remains;
433 requiring documentation authorizing the use of an
434 anatomical gift for medical or dental education or
435 research purposes; deleting provisions relating to
436 procedures for the conveyance of plastinated human
437 remains into or out of the state pursuant to their
438 scheduled expiration; conforming terminology;
439 repealing s. 406.54, F.S., relating to claims of
440 bodies after delivery to the anatomical board;
441 amending s. 765.513, F.S.; revising the list of donees
442 who may accept anatomical gifts and the purposes for
443 which such a gift may be used; providing an effective
444 date.