

1 A bill to be entitled
2 An act relating to disposition of human remains;
3 amending s. 382.002, F.S.; revising definitions for
4 purposes of the Florida Vital Statistics Act; amending
5 s. 382.006, F.S.; authorizing the Department of Health
6 to issue burial-transit permits; amending s. 382.008,
7 F.S.; revising procedures for the registration of
8 certificates of death or fetal death and the medical
9 certification of causes of death; providing a
10 definition; amending s. 382.011, F.S.; extending the
11 time by which certain deaths must be referred to the
12 medical examiner for investigation; creating s.
13 406.49, F.S.; providing definitions; amending s.
14 406.50, F.S.; revising procedures for the reporting
15 and disposition of unclaimed remains; prohibiting
16 certain uses or dispositions of the remains of
17 deceased persons whose identities are not known;
18 limiting the liability of licensed funeral directors
19 who authorize the embalming of unclaimed remains under
20 certain circumstances; amending s. 406.51, F.S.;
21 requiring that local governmental contracts for the
22 final disposition of unclaimed remains comply with
23 certain federal regulations; amending s. 406.52, F.S.;
24 revising procedures for the anatomical board's
25 retention of human remains before their use; providing
26 for claims by, and the release of human remains to,
27 legally authorized persons after payment of certain
28 expenses; authorizing county ordinances or resolutions

29 | for the final disposition of the unclaimed remains of
30 | indigent persons; limiting the liability of certain
31 | licensed persons for cremating or burying human
32 | remains under certain circumstances; amending s.
33 | 406.53, F.S.; revising exceptions from requirements
34 | for notice to the anatomical board of the death of
35 | indigent persons; deleting a requirement that the
36 | Department of Health assess fees for the burial of
37 | certain bodies; amending ss. 406.55, 406.56, and
38 | 406.57, F.S.; conforming provisions; amending s.
39 | 406.58, F.S.; requiring audits of the financial
40 | records of the anatomical board; conforming
41 | provisions; amending s. 406.59, F.S.; conforming
42 | provisions; amending s. 406.60, F.S.; authorizing
43 | certain facilities to dispose of human remains by
44 | cremation; amending s. 406.61, F.S.; revising
45 | provisions prohibiting the selling or buying of human
46 | remains or the transmitting or conveying of such
47 | remains outside the state; providing penalties;
48 | excepting accredited nontransplant anatomical donation
49 | organizations from requirements for the notification
50 | of and approval from the anatomical board for the
51 | conveyance of human remains for specified purposes;
52 | requiring that nontransplant anatomical donation
53 | organizations be accredited by a certain date;
54 | requiring that human remains received by the
55 | anatomical board be accompanied by a burial-transit
56 | permit; requiring approval by the medical examiner and

57 consent of certain persons before the dissection,
58 segmentation, or disarticulation of such remains;
59 prohibiting the offer of any monetary inducement or
60 other valuable consideration in exchange for human
61 remains; providing a definition; deleting an expired
62 provision; conforming provisions; amending s. 497.005,
63 F.S.; revising a definition for purposes of the
64 Florida Funeral, Cemetery, and Consumer Services Act;
65 amending s. 497.382, F.S.; revising certain reporting
66 requirements for funeral establishments, direct
67 disposal establishments, cinerator facilities, and
68 centralized embalming facilities; amending s. 497.607,
69 F.S.; providing requirements for the disposal of
70 unclaimed cremated remains by funeral or direct
71 disposal establishments; limiting the liability of
72 funeral or direct disposal establishments and
73 veterans' service organizations related to the release
74 of information required to determine the eligibility
75 for interment in a national cemetery of the unclaimed
76 cremated remains of a veteran; providing definitions;
77 amending s. 765.513, F.S.; revising the list of donees
78 who may accept anatomical gifts and the purposes for
79 which such a gift may be used; repealing s. 406.54,
80 F.S., relating to claims of bodies after delivery to
81 the anatomical board; providing an effective date.

82
83 Be It Enacted by the Legislature of the State of Florida:
84

85 Section 1. Subsections (8) and (9) of section 382.002,
 86 Florida Statutes, are amended to read:

87 382.002 Definitions.—As used in this chapter, the term:

88 (8) "Final disposition" means the burial, interment,
 89 cremation, removal from the state, anatomical donation, or other
 90 authorized disposition of a dead body or a fetus as described in
 91 subsection (7). In the case of cremation, dispersion of ashes or
 92 cremation residue is considered to occur after final
 93 disposition; the cremation itself is considered final
 94 disposition. In the case of anatomical donation of a dead body,
 95 the donation itself is considered final disposition.

96 (9) "Funeral director" means a licensed funeral director
 97 or direct disposer licensed pursuant to chapter 497 ~~or other~~
 98 ~~person~~ who first assumes custody of or effects the final
 99 disposition of a dead body or a fetus as described in subsection
 100 (7).

101 Section 2. Subsection (2) of section 382.006, Florida
 102 Statutes, is amended to read:

103 382.006 Burial-transit permit.—

104 (2) A burial-transit permit shall be issued by the
 105 department or the local registrar or subregistrar of the
 106 registration district in which the death occurred or the body
 107 was found. A burial-transit permit may ~~shall~~ not be issued:

108 (a) Until a complete and satisfactory certificate of death
 109 or fetal death is ~~has been~~ filed in accordance with the
 110 requirements of this chapter and adopted rules, unless the
 111 funeral director provides adequate assurance that a complete and
 112 satisfactory certificate will be so registered.

113 (b) Except under conditions prescribed by the department,
114 if the death occurred from some disease that ~~which~~ is deemed
115 ~~held~~ by the department to be infectious, contagious, or
116 communicable and dangerous to the public health.

117 Section 3. Paragraph (a) of subsection (2) and subsections
118 (3), (4), and (5) of section 382.008, Florida Statutes, are
119 amended to read:

120 382.008 Death and fetal death registration.—

121 (2) (a) The funeral director who first assumes custody of a
122 dead body or fetus shall file the certificate of death or fetal
123 death. In the absence of the funeral director, the physician or
124 other person in attendance at or after the death or the district
125 medical examiner of the county in which the death occurred or
126 the body was found shall file the certificate of death or fetal
127 death. The person who files the certificate shall obtain
128 personal data from the next of kin or the best qualified person
129 or source available. The medical certification of cause of death
130 shall be furnished to the funeral director, either in person or
131 via certified mail or electronic transfer, by the physician or
132 medical examiner responsible for furnishing such information.
133 For fetal deaths, the physician, midwife, or hospital
134 administrator shall provide any medical or health information to
135 the funeral director within 72 hours after expulsion or
136 extraction.

137 (3) Within 72 hours after receipt of a death or fetal
138 death certificate from the funeral director, the medical
139 certification of cause of death shall be completed and made
140 available to the funeral director by the decedent's primary or

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141 ~~attending physician in charge of the decedent's care for the~~
142 ~~illness or condition which resulted in death, the physician in~~
143 ~~attendance at the time of death or fetal death or immediately~~
144 ~~before or after such death or fetal death, or, if s. 382.011~~
145 applies, the district medical examiner of the county in which
146 the death occurred or the body was found if the provisions of s.
147 ~~382.011 apply.~~ The primary or attending physician or medical
148 examiner shall certify over his or her signature the cause of
149 death to the best of his or her knowledge and belief. As used in
150 this section, the term "primary or attending physician" means a
151 physician who treated the decedent through examination, medical
152 advice, or medication during the 12 months preceding the date of
153 death.

154 (a) The local registrar may grant the funeral director an
155 extension of time upon a good and sufficient showing of any of
156 the following conditions:

- 157 1. An autopsy is pending.
- 158 2. Toxicology, laboratory, or other diagnostic reports
159 have not been completed.
- 160 3. The identity of the decedent is unknown and further
161 investigation or identification is required.

162 (b) If the decedent's primary or attending physician or
163 district medical examiner of the county in which the death
164 occurred or the body was found indicates ~~has indicated~~ that he
165 or she will sign and complete the medical certification of cause
166 of death, but will not be available until after the 5-day
167 registration deadline, the local registrar may grant an
168 extension of 5 days. If a further extension is required, the

169 funeral director must provide written justification to the
 170 registrar.

171 (4) If the department or local registrar grants ~~has~~
 172 ~~granted~~ an extension of time to provide the medical
 173 certification of cause of death, the funeral director shall file
 174 a temporary certificate of death or fetal death which shall
 175 contain all available information, including the fact that the
 176 cause of death is pending. The decedent's primary or attending
 177 physician or the district medical examiner of the county in
 178 which the death occurred or the body was found shall provide an
 179 estimated date for completion of the permanent certificate.

180 (5) A permanent certificate of death or fetal death,
 181 containing the cause of death and any other information that
 182 ~~which~~ was previously unavailable, shall be registered as a
 183 replacement for the temporary certificate. The permanent
 184 certificate may also include corrected information if the items
 185 being corrected are noted on the back of the certificate and
 186 dated and signed by the funeral director, physician, or district
 187 medical examiner of the county in which the death occurred or
 188 the body was found, as appropriate.

189 Section 4. Subsection (1) of section 382.011, Florida
 190 Statutes, is amended to read:

191 382.011 Medical examiner determination of cause of death.—

192 (1) In the case of any death or fetal death due to causes
 193 or conditions listed in s. 406.11, any ~~or where the death that~~
 194 occurred more than 12 months ~~30 days~~ after the decedent was last
 195 treated by a primary or attending physician as defined in s.
 196 382.008 (3) ~~unless the death was medically expected as certified~~

197 ~~by an attending physician, or any death for which where~~ there is
 198 reason to believe that the death may have been due to an
 199 unlawful act or neglect, the funeral director or other person to
 200 whose attention the death may come shall refer the case to the
 201 district medical examiner of the county ~~district~~ in which the
 202 death occurred or the body was found for investigation and
 203 determination of the cause of death.

204 Section 5. Section 406.49, Florida Statutes, is created in
 205 part II of chapter 406, Florida Statutes, to read:

206 406.49 Definitions.—As used in this part, the term:

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

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

212 (3) "Final disposition" has the same meaning as provided
 213 in s. 497.005.

214 (4) "Human remains" or "remains" has the same meaning as
 215 provided in s. 497.005.

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

220 (6) "Legally authorized person" has the same meaning as
 221 provided in s. 497.005.

222 (7) "Nontransplant anatomical donation organization" means
 223 a tissue bank or other organization that facilitates
 224 nontransplant anatomical donation, including referral, obtaining

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225 informed consent or authorization, acquisition, traceability,
226 transport, assessing donor acceptability, preparation,
227 packaging, labeling, storage, release, evaluating intended use,
228 distribution, and final disposition of nontransplant anatomical
229 donations.

230 (8) "Unclaimed remains" means human remains that are not
231 claimed by a legally authorized person, other than a medical
232 examiner or the board of county commissioners, for final
233 disposition at the person's expense.

234 Section 6. Section 406.50, Florida Statutes, is amended to
235 read:

236 406.50 ~~Unclaimed dead bodies or human remains;~~
237 ~~disposition, procedure.-~~

238 (1) A person or entity that comes ~~All public officers,~~
239 ~~agents, or employees of every county, city, village, town, or~~
240 ~~municipality and every person in charge of any prison, morgue,~~
241 ~~hospital, funeral parlor, or mortuary and all other persons~~
242 ~~coming into possession, charge, or control of unclaimed any dead~~
243 ~~human body or remains that ~~which are unclaimed or which are~~~~
244 ~~required to be buried or cremated at public expense shall ~~are~~~~
245 ~~hereby required to notify, immediately notify, the anatomical~~
246 ~~board, unless:~~

247 (a) The unclaimed remains are decomposed or mutilated by
248 wounds;

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

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

252 ~~Notification of the anatomical board is not required if the~~

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253 ~~death was caused by crushing injury, the deceased had a~~
254 ~~contagious disease;~~

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

259 (e) The deceased person was a veteran of the United States
260 Armed Forces, United States Reserve Forces, or National Guard
261 and is eligible for burial in a national cemetery or was the
262 spouse or dependent child of a veteran eligible for burial in a
263 national cemetery.

264 (2)(1) Before the final disposition of unclaimed remains,
265 the person or entity in charge or control of the ~~dead body or~~
266 human remains shall make a reasonable effort to ~~determine:~~

267 (a) Determine the identity of the deceased person and
268 shall ~~further make a reasonable effort to~~ contact any relatives
269 of ~~the~~ ~~such~~ deceased person.

270 (b) Determine whether ~~or not~~ the deceased person is
271 eligible under 38 C.F.R. s. 38.620 for ~~entitled to~~ burial in a
272 national cemetery as a veteran of the armed forces and, if
273 eligible ~~so,~~ ~~to cause the deceased person's remains or cremated~~
274 remains to be delivered to a national cemetery ~~shall make~~
275 arrangements for such burial services in accordance with the
276 provisions of 38 C.F.R.

277
278 For purposes of this subsection, "a reasonable effort" includes
279 contacting the National Cemetery Scheduling Office, the county
280 veterans service office, or the regional office of the United

281 States Department of Veterans Affairs.

282 (3)(2) Unclaimed remains ~~Such dead human bodies as~~
 283 ~~described in this chapter~~ shall be delivered to the anatomical
 284 board as soon as possible after death. When no family exists or
 285 is available, a funeral director licensed under chapter 497 may
 286 assume the responsibility of a legally authorized person and
 287 may, after 24 hours have elapsed since the time of death,
 288 authorize arterial embalming for the purposes of storage and
 289 delivery of unclaimed remains to the anatomical board. A funeral
 290 director licensed under chapter 497 is not liable for damages
 291 under this subsection.

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

295 (5) If the anatomical board does not accept the unclaimed
 296 remains, the board of county commissioners or its designated
 297 county department of the county in which the death occurred or
 298 the remains were found may authorize and arrange for the burial
 299 or cremation of the entire remains. A board of county
 300 commissioners may by resolution or ordinance, in accordance with
 301 applicable laws and rules, prescribe policies and procedures for
 302 final disposition of unclaimed remains.

303 (6)(3) This part does not ~~Nothing herein shall~~ affect the
 304 right of a medical examiner to hold human ~~such dead body or~~
 305 remains for the purpose of investigating the cause of death or
 306 ~~nor shall this chapter affect~~ the right of any court of
 307 competent jurisdiction to enter an order affecting the
 308 disposition of such ~~body or~~ remains.

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

312
 313 ~~For purposes of this chapter, the term "anatomical board" means~~
 314 ~~the anatomical board of this state located at the University of~~
 315 ~~Florida Health Science Center, and the term "unclaimed" means a~~
 316 ~~dead body or human remains that is not claimed by a legally~~
 317 ~~authorized person, as defined in s. 497.005, for interment at~~
 318 ~~that person's expense.~~

319 Section 7. Section 406.51, Florida Statutes, is amended to
 320 read:

321 406.51 Final disposition of unclaimed deceased veterans;
 322 contract requirements.—Any contract by a local governmental
 323 entity for the final disposition disposal of unclaimed human
 324 remains must provide for compliance with s. 406.50(2) ~~406.50(1)~~
 325 and require that the procedures in 38 C.F.R. s. 38.620, relating
 326 to disposition of unclaimed deceased veterans, are ~~be~~ followed.

327 Section 8. Section 406.52, Florida Statutes, is amended to
 328 read:

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

331 406.52 Retention of human remains before use; claim after
 332 delivery to anatomical board; procedures for unclaimed remains
 333 of indigent persons.—

334 (1) The anatomical board shall keep in storage all human
 335 remains that it receives for at least 48 hours before allowing
 336 their use for medical education or research. Human remains may

337 be embalmed when received. The anatomical board may, for any
338 reason, refuse to accept unclaimed remains or the remains of an
339 indigent person.

340 (2) At any time before their use for medical education or
341 research, human remains delivered to the anatomical board may be
342 claimed by a legally authorized person. The anatomical board
343 shall release the remains to the legally authorized person after
344 payment of the anatomical board's expenses incurred for
345 transporting, embalming, and storing the remains.

346 (3) (a) A board of county commissioners may by resolution
347 or ordinance, in accordance with applicable laws and rules,
348 prescribe policies and procedures for the burial or cremation of
349 the entire unclaimed remains of an indigent person whose death
350 occurred, or whose remains were found, in the county.

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

355 Section 9. Section 406.53, Florida Statutes, is amended to
356 read:

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

359 406.53 Unclaimed remains of indigent person; exemption
360 from notice to the anatomical board.—A board of county
361 commissioners or its designated county department that receives
362 a report of the unclaimed remains of an indigent person,
363 notwithstanding s. 406.50(1), is not required to notify the
364 anatomical board of the remains if:

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365 (1) The indigent person's remains are decomposed or
366 mutilated by wounds or if an autopsy is performed on the
367 remains;

368 (2) A legally authorized person or a relative by blood or
369 marriage claims the remains for final disposition at his or her
370 expense or, if such relative or legally authorized person is
371 also an indigent person, in a manner consistent with the
372 policies and procedures of the board of county commissioners of
373 the county in which the death occurred or the remains were
374 found;

375 (3) The deceased person was a veteran of the United States
376 Armed Forces, United States Reserve Forces, or National Guard
377 and is eligible for burial in a national cemetery or was the
378 spouse or dependent child of a veteran eligible for burial in a
379 national cemetery; or

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

383 Section 10. Section 406.55, Florida Statutes, is amended
384 to read:

385 406.55 Contracts for delivery of human remains ~~body~~ after
386 death prohibited.—The anatomical board may not enter ~~is~~
387 ~~specifically prohibited from entering~~ into any contract, oral or
388 written, that provides for ~~whereby~~ any sum of money to ~~shall~~ be
389 paid to any living person in exchange for ~~which~~ the delivery of
390 that person's remains ~~body of said person shall be delivered to~~
391 the anatomical board when the ~~such living~~ person dies.

392 Section 11. Section 406.56, Florida Statutes, is amended

393 to read:

394 406.56 Acceptance of human remains ~~bodies~~ under will.—If
 395 any person ~~being~~ of sound mind executes ~~shall execute~~ a will
 396 leaving his or her remains ~~body~~ to the anatomical board for ~~the~~
 397 ~~advancement of~~ medical education or research ~~science~~ and the
 398 ~~such~~ person dies within the geographical limits of the state,
 399 the anatomical board may ~~is hereby empowered to~~ accept and
 400 receive the person's remains ~~such body~~.

401 Section 12. Section 406.57, Florida Statutes, is amended
 402 to read:

403 406.57 Distribution of human remains ~~dead bodies~~.—The
 404 anatomical board or its duly authorized agent shall take and
 405 receive human remains ~~the bodies~~ delivered to it as provided in
 406 ~~under the provisions of~~ this chapter and shall:

407 (1) Distribute the remains ~~them~~ equitably ~~to and~~ among the
 408 medical and dental schools, teaching hospitals, medical
 409 institutions, and health-related teaching programs that require
 410 cadaveric material for study; or

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

416 Section 13. Section 406.58, Florida Statutes, is amended
 417 to read:

418 406.58 Fees; authority to accept additional funds; annual
 419 audit.—

420 (1) The anatomical board may:

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

426 (b) (2) ~~The anatomical board is hereby empowered to~~ Receive
 427 money from public or private sources, in addition to the fees
 428 collected from the institutions ~~institution or association~~ to
 429 which human remains ~~the bodies~~ are distributed, to be used to
 430 defray the costs of embalming, handling, shipping, storing,
 431 cremating, and otherwise storage, ~~cremation, and other costs~~
 432 ~~relating to the~~ obtaining and using the remains. ~~use of such~~
 433 ~~bodies as described in this chapter; the anatomical board is~~
 434 ~~empowered to~~

435 (c) Pay or reimburse the reasonable expenses, as
 436 determined by the anatomical board, incurred by a funeral
 437 establishment or removal service licensed under chapter 497 for
 438 the removal, storage, and transportation ~~any person delivering~~
 439 ~~the bodies as described in this chapter~~ to the anatomical board
 440 of unclaimed human remains. ~~and is further empowered to~~

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

443 (2) The anatomical board shall keep a complete record of
 444 all fees and other financial transactions. The University of
 445 Florida shall conduct an audit of the financial records of the
 446 anatomical board at least once every 3 years or more frequently
 447 as the university deems necessary. Within 90 days after
 448 completing an audit, the university shall provide a copy of the

449 audit to the Department of Financial Services. The university
 450 may contract with a licensed public accounting firm to provide
 451 for the audit, which firm may be paid from the fees collected by
 452 ~~the of said anatomical board shall be kept and audited annually~~
 453 ~~by the Department of Financial Services, and a report of such~~
 454 ~~audit shall be made annually to the University of Florida.~~

455 Section 14. Section 406.59, Florida Statutes, is amended
 456 to read:

457 406.59 Institutions receiving human remains ~~bodies~~. ~~A No~~
 458 ~~university, school, college, teaching hospital, or institution~~
 459 ~~may not, or association shall be allowed or permitted to receive~~
 460 ~~any human remains from the anatomical board such body or bodies~~
 461 ~~as described in this chapter until its facilities are have been~~
 462 ~~inspected and approved by the anatomical board. Human remains~~
 463 ~~All such bodies received by such university, school, college,~~
 464 ~~teaching hospital, or institution may not, or association shall~~
 465 ~~be used for any no other purpose other than the promotion of~~
 466 ~~medical education or research science.~~

467 Section 15. Section 406.60, Florida Statutes, is amended
 468 to read:

469 406.60 Disposition of human remains ~~bodies~~ after use. ~~At~~
 470 ~~any time When human remains any body or bodies or part or parts~~
 471 ~~of any body or bodies, as described in this chapter, shall have~~
 472 ~~been used for, and are not deemed of any no further value to,~~
 473 ~~medical or dental education or research science, then the~~
 474 ~~anatomical board or a cinerator facility licensed under chapter~~
 475 ~~497 person or persons having charge of said body or parts of~~
 476 ~~said body may dispose of the remains or any part thereof by~~

477 cremation.

478 Section 16. Section 406.61, Florida Statutes, is amended
479 to read:

480 406.61 Selling, buying, or conveying human remains ~~bodies~~
481 outside state prohibited; exceptions; ~~;~~ penalty.-

482 (1) (a) The anatomical board may transport human remains
483 outside the state for educational or scientific purposes. ~~Any~~
484 ~~person who sells or buys any body or parts of bodies as~~
485 ~~described in this chapter or any person except a recognized~~
486 ~~Florida medical or dental school who transmits or conveys or~~
487 ~~causes to be transmitted or conveyed such body or parts of~~
488 ~~bodies to any place outside this state commits a misdemeanor of~~
489 ~~the first degree, punishable as provided in ss. 775.082 and~~
490 ~~775.083. However, This chapter does not prohibit the transport~~
491 ~~of anatomical board from transporting human remains, any part of~~
492 ~~such remains specimens outside the state for educational or~~
493 ~~scientific purposes or prohibit the transport of bodies, parts~~
494 ~~of bodies, or tissue specimens in furtherance of lawful~~
495 ~~examination, investigation, or autopsy conducted pursuant to s.~~
496 ~~406.11.~~

497 (b) A ~~Any~~ person, institution, or organization that
498 conveys human remains ~~bodies~~ or any part thereof ~~parts of bodies~~
499 into or outside ~~out of~~ the state for medical or dental education
500 or research purposes must ~~shall~~ notify the anatomical board of
501 such intent and receive approval from the board.

502 (c) Notwithstanding paragraph (b), a nontransplant
503 anatomical donation organization accredited by the American
504 Association of Tissue Banks may convey human remains or any part

505 thereof into or outside the state for medical or dental
506 education or research purposes without notifying or receiving
507 approval from the anatomical board. Effective October 1, 2014, a
508 nontransplant anatomical donation organization must be
509 accredited by the American Association of Tissue Banks.

510 (d) A person who sells or buys human remains or any part
511 thereof, or a person who transmits or conveys or causes to be
512 transmitted or conveyed such remains or part thereof to any
513 place outside this state, in violation of this section commits a
514 misdemeanor of the first degree, punishable as provided in s.
515 775.082 or s. 775.083. This paragraph does not apply to a
516 recognized Florida medical or dental school.

517 (2) (a) Human remains received in this state by the
518 anatomical board or a nontransplant anatomical donation
519 organization must be accompanied by the original burial-transit
520 permit issued pursuant to s. 382.007. The remains may not be
521 dissected, segmented, or disarticulated until the district
522 medical examiner of the county in which the death occurred or
523 the remains were found grants approval pursuant to s. 406.11.

524 (b) A nontransplant anatomical donation organization must
525 obtain specific written consent for the dissection,
526 segmentation, or disarticulation of any part of the remains from
527 a person who is authorized under s. 765.512 to give such
528 consent. Such consent must expressly state that the remains may
529 undergo long-term preservation or extensive preparation,
530 including, but not limited to, removal of the head, arms, legs,
531 hands, feet, spine, organs, tissues, or fluids.

532 (3) A person, institution, or organization may not offer

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533 | in exchange for human remains any monetary inducement or other
534 | valuable consideration, including goods or services, to a donor,
535 | a legally authorized person, the donor's estate, or any other
536 | third party. As used in this subsection, the term "valuable
537 | consideration" does not include, and this subsection does not
538 | prohibit, payment or reimbursement of the reasonable costs
539 | associated with the removal, storage, and transportation of
540 | human remains, including payment or reimbursement of a funeral
541 | establishment or removal service licensed under chapter 497 or
542 | the reasonable costs after use, including payment or
543 | reimbursement for the disposition of human remains pursuant to
544 | s. 406.60.

545 | ~~(4)-(2)~~ An ~~Any~~ entity accredited by the American
546 | Association of Museums may convey plastinated human remains
547 | ~~bodies~~ or any part thereof within, parts of bodies into, or
548 | outside ~~out of~~ the state for exhibition and public educational
549 | purposes without the consent of the anatomical board if the
550 | accredited entity:

551 | (a) Notifies the anatomical board of the conveyance and
552 | the duration and location of the exhibition at least 30 days
553 | before the intended conveyance.

554 | (b) Submits to the anatomical board a description of the
555 | remains ~~bodies~~ or any part thereof ~~parts of bodies~~ and the name
556 | and address of the company providing the remains ~~bodies~~ or any
557 | part thereof ~~parts of bodies~~.

558 | (c) Submits to the anatomical board documentation that the
559 | remains or each part thereof ~~body~~ was donated by the decedent or
560 | his or her next of kin for purposes of plastination and public

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561 exhibition, or, in lieu of such documentation, an affidavit
562 stating that the remains or each part thereof ~~body~~ was donated
563 directly by the decedent or his or her next of kin for such
564 purposes to the company providing the remains ~~body~~ and that such
565 company has a donation form on file for the remains ~~body~~.

566 ~~(3) Notwithstanding paragraph (2)(c) and in lieu of the~~
567 ~~documentation or affidavit required under paragraph (2)(c), for~~
568 ~~a plastinated body that, before July 1, 2009, was exhibited in~~
569 ~~this state by any entity accredited by the American Association~~
570 ~~of Museums, such an accredited entity may submit an affidavit to~~
571 ~~the board stating that the body was legally acquired and that~~
572 ~~the company providing the body has acquisition documentation on~~
573 ~~file for the body. This subsection expires January 1, 2012.~~

574 Section 17. Subsection (32) of section 497.005, Florida
575 Statutes, is amended to read:

576 497.005 Definitions.—As used in this chapter, the term:

577 (32) "Final disposition" means the final disposal of a
578 dead human body by earth interment, aboveground interment,
579 cremation, burial at sea, anatomical donation, or delivery to a
580 medical institution for lawful dissection if the medical
581 institution or entity receiving the anatomical donation assumes
582 responsibility for disposition after use pursuant to s. 406.60
583 ~~disposal~~. The term "Final disposition" does not include the
584 disposal or distribution of cremated remains and residue of
585 cremated remains.

586 Section 18. Section 497.382, Florida Statutes, is amended
587 to read:

588 497.382 Reports of cases embalmed and bodies handled.—

589 (1) Each funeral establishment, direct disposal
 590 establishment, cinerator facility, and centralized embalming
 591 facility shall record monthly ~~report~~ on a form prescribed and
 592 furnished by the licensing authority the name of the deceased
 593 and such other information as may be required by rule with
 594 respect to each dead human body embalmed or otherwise handled by
 595 the establishment or facility. Such forms shall be signed
 596 monthly by the embalmer who performs the embalming, if the body
 597 is embalmed, and the funeral director in charge of the
 598 establishment or facility or by the direct disposer who disposes
 599 of the body and shall be maintained at the business premises of
 600 the establishment or facility for inspection by division staff.
 601 The licensing authority shall prescribe by rule the procedures
 602 for preparing and retaining ~~in submitting~~ such forms
 603 ~~documentation. Reports required by this subsection shall be~~
 604 ~~filed by the 20th day of each month for final dispositions~~
 605 ~~handled the preceding month.~~

606 (2) Funeral directors performing disinterments shall
 607 record monthly on the form specified in subsection (1) and
 608 pursuant to ~~report, using a form and procedures prescribed~~
 609 ~~specified~~ by rule, the name of the deceased and such other
 610 information as may be required by rule with respect to each dead
 611 human body disinterred.

612 Section 19. Subsection (2) of section 497.607, Florida
 613 Statutes, is amended to read:

614 497.607 Cremation; procedure required.—

615 (2) (a) With respect to any person who intends to provide
 616 for the cremation of the deceased, if, after a period of 120

617 days from the time of cremation the cremated remains have not
618 been claimed, the funeral or direct disposal establishment may
619 dispose of the cremated remains. Such disposal shall include
620 scattering them at sea or placing them in a licensed cemetery
621 scattering garden or pond or in a church columbarium or
622 otherwise disposing of the remains as provided by rule.

623 (b) A reasonable effort shall be made before such disposal
624 to determine whether the cremated remains are those of a veteran
625 of the United States Armed Forces, United States Reserve Forces,
626 or National Guard eligible for burial in a national cemetery or
627 a spouse or dependent child of a veteran eligible for burial in
628 a national cemetery.

629 (c) If the unclaimed cremated remains are those of an
630 eligible veteran or the spouse or dependent child of an eligible
631 veteran, the funeral or direct disposal establishment shall
632 arrange for the interment of the cremated remains in a national
633 cemetery. A funeral or direct disposal establishment may use the
634 assistance of a veterans' service organization for this purpose.
635 A funeral or direct disposal establishment or veterans' service
636 organization acting in good faith is not liable for any damages
637 resulting from the release of required information to determine
638 eligibility for interment.

639 (d) This subsection does not require a funeral or direct
640 disposal establishment to:

641 1. Determine whether the cremated remains are those of a
642 veteran if the funeral or direct disposal establishment is
643 informed by a legally authorized person that the decedent was
644 not a veteran.

645 2. Relinquish possession of the cremated remains to a
646 veterans' service organization if the funeral or direct disposal
647 establishment is informed by a legally authorized person that
648 the decedent did not desire any funeral, ceremony, or interment-
649 related services recognizing the decedent's service as a
650 veteran.

651 (e) For purposes of this subsection, the term:

652 1. "Reasonable effort" includes contacting the National
653 Cemetery Scheduling Office, the county veterans service office,
654 the regional office of the United States Department of Veterans
655 Affairs, or a veterans' service organization.

656 2. "Veterans' service organization" means an association,
657 corporation, or other entity that qualifies under s. 501(c)(3)
658 or s. 501(c)(19) of the Internal Revenue Code as a tax-exempt
659 organization, that is organized for the benefit of veterans'
660 burial and interment, and that is recognized by the Memorial
661 Affairs Division of the United States Department of Veterans
662 Affairs. The term includes a member or employee of an eligible
663 nonprofit veterans' corporation, association, or entity that
664 specifically assists in facilitating the identification,
665 recovery, and interment of the unclaimed cremated remains of
666 veterans.

667 Section 20. Subsection (1) of section 765.513, Florida
668 Statutes, is amended to read:

669 765.513 Donees; purposes for which anatomical gifts may be
670 made.—

671 (1) The following persons or entities may become donees of
672 anatomical gifts of bodies or parts of them for the purposes

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673 | stated:

674 | (a) Any procurement organization or accredited medical or
675 | dental school, college, or university for education, research,
676 | therapy, or transplantation.

677 | (b) Any individual specified by name for therapy or
678 | transplantation needed by him or her.

679 | (c) The anatomical board or a nontransplant anatomical
680 | donation organization, as defined in s. 406.49, for donation of
681 | the whole body for medical or dental education or research.

682 | Section 21. Section 406.54, Florida Statutes, is repealed.

683 | Section 22. This act shall take effect July 1, 2013.