



206074

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/07/2013	.	
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The Committee on Regulated Industries (Sachs) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

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

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

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



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13 disposition; the cremation itself is considered final  
14 disposition. In the case of anatomical donation of a dead body,  
15 the donation itself is considered final disposition.

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

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

22 382.006 Burial-transit permit.—

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

27 (a) Until a complete and satisfactory certificate of death  
28 or fetal death is ~~has been~~ filed in accordance with the  
29 requirements of this chapter and adopted rules, unless the  
30 funeral director provides adequate assurance that a complete and  
31 satisfactory certificate will be so registered.

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

36 Section 3. Paragraph (a) of subsection (2) and subsections  
37 (3), (4), and (5) of section 382.008, Florida Statutes, are  
38 amended to read:

39 382.008 Death and fetal death registration.—

40 (2) (a) The funeral director who first assumes custody of a  
41 dead body or fetus shall file the certificate of death or fetal



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42 death. In the absence of the funeral director, the physician or  
43 other person in attendance at or after the death or the district  
44 medical examiner of the county in which the death occurred or  
45 the body was found shall file the certificate of death or fetal  
46 death. The person who files the certificate shall obtain  
47 personal data from the next of kin or the best qualified person  
48 or source available. The medical certification of cause of death  
49 shall be furnished to the funeral director, either in person or  
50 via certified mail or electronic transfer, by the physician or  
51 medical examiner responsible for furnishing such information.  
52 For fetal deaths, the physician, midwife, or hospital  
53 administrator shall provide any medical or health information to  
54 the funeral director within 72 hours after expulsion or  
55 extraction.

56 (3) Within 72 hours after receipt of a death or fetal death  
57 certificate from the funeral director, the medical certification  
58 of cause of death shall be completed and made available to the  
59 funeral director by the decedent's primary or attending  
60 ~~physician in charge of the decedent's care for the illness or~~  
61 ~~condition which resulted in death, the physician in attendance~~  
62 ~~at the time of death or fetal death or immediately before or~~  
63 ~~after such death or fetal death, or, if s. 382.011 applies,~~ the  
64 district medical examiner of the county in which the death  
65 occurred or the body was found ~~if the provisions of s. 382.011~~  
66 ~~apply~~. The primary or attending physician or medical examiner  
67 shall certify over his or her signature the cause of death to  
68 the best of his or her knowledge and belief. As used in this  
69 section, the term "primary or attending physician" means a  
70 physician who treated the decedent through examination, medical



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71 advice, or medication during the 12 months preceding the date of  
72 death.

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

76 1. An autopsy is pending.

77 2. Toxicology, laboratory, or other diagnostic reports have  
78 not been completed.

79 3. The identity of the decedent is unknown and further  
80 investigation or identification is required.

81 (b) If the decedent's primary or attending physician or  
82 district medical examiner of the county in which the death  
83 occurred or the body was found indicates ~~has indicated~~ that he  
84 or she will sign and complete the medical certification of cause  
85 of death, but will not be available until after the 5-day  
86 registration deadline, the local registrar may grant an  
87 extension of 5 days. If a further extension is required, the  
88 funeral director must provide written justification to the  
89 registrar.

90 (4) If the department or local registrar grants ~~has granted~~  
91 an extension of time to provide the medical certification of  
92 cause of death, the funeral director shall file a temporary  
93 certificate of death or fetal death which shall contain all  
94 available information, including the fact that the cause of  
95 death is pending. The decedent's primary or attending physician  
96 or the district medical examiner of the county in which the  
97 death occurred or the body was found shall provide an estimated  
98 date for completion of the permanent certificate.

99 (5) A permanent certificate of death or fetal death,



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100 containing the cause of death and any other information that  
101 ~~which~~ was previously unavailable, shall be registered as a  
102 replacement for the temporary certificate. The permanent  
103 certificate may also include corrected information if the items  
104 being corrected are noted on the back of the certificate and  
105 dated and signed by the funeral director, physician, or district  
106 medical examiner of the county in which the death occurred or  
107 the body was found, as appropriate.

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

110 382.011 Medical examiner determination of cause of death.-

111 (1) In the case of any death or fetal death due to causes  
112 or conditions listed in s. 406.11, any ~~or where the death that~~  
113 ~~occurred more than 12 months 30 days~~ after the decedent was last  
114 treated by a primary or attending physician as defined in s.  
115 382.008(3) unless the death was medically expected as certified  
116 by an attending physician, or any death for which ~~where~~ there is  
117 reason to believe that the death may have been due to an  
118 unlawful act or neglect, the funeral director or other person to  
119 whose attention the death may come shall refer the case to the  
120 district medical examiner of the county ~~district~~ in which the  
121 death occurred or the body was found for investigation and  
122 determination of the cause of death.

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

125 406.49 Definitions.-As used in this part, the term:

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



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

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

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

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

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

141 (7) "Nontransplant anatomical donation organization" means  
142 a tissue bank or other organization that facilitates  
143 nontransplant anatomical donation, including referral, obtaining  
144 informed consent or authorization, acquisition, traceability,  
145 transport, assessing donor acceptability, preparation,  
146 packaging, labeling, storage, release, evaluating intended use,  
147 distribution, and final disposition of nontransplant anatomical  
148 donations.

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

153 Section 6. Section 406.50, Florida Statutes, is amended to  
154 read:

155 406.50 Unclaimed ~~dead bodies or human~~ remains; disposition,  
156 procedure.—

157 (1) A person or entity that comes ~~All public officers,~~



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158 ~~agents, or employees of every county, city, village, town, or~~  
159 ~~municipality and every person in charge of any prison, morgue,~~  
160 ~~hospital, funeral parlor, or mortuary and all other persons~~  
161 ~~coming into possession, charge, or control of unclaimed any dead~~  
162 ~~human body or remains that which are unclaimed or which are~~  
163 ~~required to be buried or cremated at public expense shall ~~are~~~~  
164 ~~hereby required to notify, immediately notify, the anatomical~~  
165 ~~board, unless:~~

166 (a) The unclaimed remains are decomposed or mutilated by  
167 wounds;

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

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

171 ~~Notification of the anatomical board is not required if the~~  
172 ~~death was caused by crushing injury, the deceased had a~~  
173 ~~contagious disease;~~

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

178 (e) The deceased person was a veteran of the United States  
179 Armed Forces, United States Reserve Forces, or National Guard  
180 and is eligible for burial in a national cemetery or was the  
181 spouse or dependent child of a veteran eligible for burial in a  
182 national cemetery.

183 (2) ~~(1)~~ Before the final disposition of unclaimed remains,  
184 the person or entity in charge or control of the ~~dead body or~~  
185 human remains shall make a reasonable effort to determine:

186 (a) Determine the identity of the deceased person and ~~shall~~



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187 ~~further make a reasonable effort to~~ contact any relatives of the  
188 ~~such~~ deceased person.

189 (b) Determine whether ~~or not~~ the deceased person is  
190 eligible under 38 C.F.R. s. 38.620 for ~~entitled to~~ burial in a  
191 national cemetery as a veteran of the armed forces and, if  
192 eligible so, to cause the deceased person's remains or cremated  
193 remains to be delivered to a national cemetery shall make  
194 ~~arrangements for such burial services in accordance with the~~  
195 ~~provisions of 38 C.F.R.~~

196

197 For purposes of this subsection, "a reasonable effort" includes  
198 contacting the National Cemetery Scheduling Office, the county  
199 veterans service office, or the regional office of the United  
200 States Department of Veterans Affairs.

201 ~~(3)(2) Unclaimed remains~~ Such dead human bodies as  
202 ~~described in this chapter~~ shall be delivered to the anatomical  
203 board as soon as possible after death. When no family exists or  
204 is available, a funeral director licensed under chapter 497 may  
205 assume the responsibility of a legally authorized person and  
206 may, after 24 hours have elapsed since the time of death,  
207 authorize arterial embalming for the purposes of storage and  
208 delivery of unclaimed remains to the anatomical board. A funeral  
209 director licensed under chapter 497 is not liable for damages  
210 under this subsection.

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

214 (5) If the anatomical board does not accept the unclaimed  
215 remains, the board of county commissioners or its designated





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216 county department of the county in which the death occurred or  
217 the remains were found may authorize and arrange for the burial  
218 or cremation of the entire remains. A board of county  
219 commissioners may by resolution or ordinance, in accordance with  
220 applicable laws and rules, prescribe policies and procedures for  
221 final disposition of unclaimed remains.

222 ~~(6)(3) This part does not~~ ~~Nothing herein shall~~ affect the  
223 right of a medical examiner to hold human ~~such dead body or~~  
224 remains for the purpose of investigating the cause of death or,  
225 ~~nor shall this chapter affect~~ the right of any court of  
226 competent jurisdiction to enter an order affecting the  
227 disposition of such ~~body or~~ remains.

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

231  
232 ~~For purposes of this chapter, the term "anatomical board" means~~  
233 ~~the anatomical board of this state located at the University of~~  
234 ~~Florida Health Science Center, and the term "unclaimed" means a~~  
235 ~~dead body or human remains that is not claimed by a legally~~  
236 ~~authorized person, as defined in s. 497.005, for interment at~~  
237 ~~that person's expense.~~

238 Section 7. Section 406.51, Florida Statutes, is amended to  
239 read:

240 406.51 Final disposition of unclaimed deceased veterans;  
241 contract requirements.—Any contract by a local governmental  
242 entity for the final disposition ~~disposal~~ of unclaimed human  
243 remains must provide for compliance with s. 406.50(2) ~~406.50(1)~~  
244 and require that the procedures in 38 C.F.R. s. 38.620, relating



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245 to disposition of unclaimed deceased veterans, are ~~be~~ followed.

246 Section 8. Section 406.52, Florida Statutes, is amended to  
247 read:

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

250 406.52 Retention of human remains before use; claim after  
251 delivery to anatomical board; procedures for unclaimed remains  
252 of indigent persons.—

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

259 (2) At any time before their use for medical education or  
260 research, human remains delivered to the anatomical board may be  
261 claimed by a legally authorized person. The anatomical board  
262 shall release the remains to the legally authorized person after  
263 payment of the anatomical board's expenses incurred for  
264 transporting, embalming, and storing the remains.

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

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



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274 Section 9. Section 406.53, Florida Statutes, is amended to  
275 read:

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

278 406.53 Unclaimed remains of indigent person; exemption from  
279 notice to the anatomical board.—A board of county commissioners  
280 or its designated county department that receives a report of  
281 the unclaimed remains of an indigent person, notwithstanding s.  
282 406.50(1), is not required to notify the anatomical board of the  
283 remains if:

284 (1) The indigent person's remains are decomposed or  
285 mutilated by wounds or if an autopsy is performed on the  
286 remains;

287 (2) A legally authorized person or a relative by blood or  
288 marriage claims the remains for final disposition at his or her  
289 expense or, if such relative or legally authorized person is  
290 also an indigent person, in a manner consistent with the  
291 policies and procedures of the board of county commissioners of  
292 the county in which the death occurred or the remains were  
293 found;

294 (3) The deceased person was a veteran of the United States  
295 Armed Forces, United States Reserve Forces, or National Guard  
296 and is eligible for burial in a national cemetery or was the  
297 spouse or dependent child of a veteran eligible for burial in a  
298 national cemetery; or

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

302 Section 10. Section 406.55, Florida Statutes, is amended to



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303 read:

304 406.55 Contracts for delivery of human remains ~~body~~ after  
305 death prohibited.—The anatomical board may not enter is  
306 ~~specifically prohibited from entering~~ into any contract, oral or  
307 written, that provides for ~~whereby~~ any sum of money to shall be  
308 paid to any living person in exchange for ~~which~~ the delivery of  
309 that person's remains ~~body of said person shall be delivered~~ to  
310 the anatomical board when the ~~such living~~ person dies.

311 Section 11. Section 406.56, Florida Statutes, is amended to  
312 read:

313 406.56 Acceptance of human remains ~~bodies~~ under will.—If  
314 any person ~~being~~ of sound mind executes ~~shall execute~~ a will  
315 leaving his or her remains ~~body~~ to the anatomical board for ~~the~~  
316 ~~advancement of~~ medical education or research ~~science~~ and the  
317 ~~such~~ person dies within the geographical limits of the state,  
318 the anatomical board may ~~is hereby empowered to~~ accept and  
319 receive the person's remains ~~such body~~.

320 Section 12. Section 406.57, Florida Statutes, is amended to  
321 read:

322 406.57 Distribution of human remains ~~dead bodies~~.—The  
323 anatomical board or its duly authorized agent shall take and  
324 receive human remains ~~the bodies~~ delivered to it as provided in  
325 ~~under the provisions of~~ this chapter and shall:

326 (1) Distribute the remains ~~them~~ equitably ~~to and~~ among the  
327 medical and dental schools, teaching hospitals, medical  
328 institutions, and health-related teaching programs that require  
329 cadaveric material for study; or

330 (2) Loan the remains ~~same may be loaned for examination or~~  
331 ~~study purposes~~ to accredited colleges of mortuary science



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332 ~~recognized associations of licensed embalmers or funeral~~  
333 ~~directors,~~ or medical or dental examining boards for educational  
334 or research purposes ~~at the discretion of the anatomical board.~~

335 Section 13. Section 406.58, Florida Statutes, is amended to  
336 read:

337 406.58 Fees; authority to accept additional funds; annual  
338 audit.-

339 (1) The anatomical board may:

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

345 (b) ~~(2) The anatomical board is hereby empowered to Receive~~  
346 money from public or private sources, in addition to the fees  
347 collected from the institutions ~~institution or association~~ to  
348 which human remains ~~the bodies~~ are distributed, to be used to  
349 defray the costs of embalming, handling, shipping, storing,  
350 cremating, and otherwise storage, ~~cremation, and other costs~~  
351 ~~relating to the obtaining and using the remains.~~ use of such  
352 ~~bodies as described in this chapter; the anatomical board is~~  
353 ~~empowered to~~

354 (c) Pay or reimburse the reasonable expenses, as determined  
355 by the anatomical board, incurred by a funeral establishment or  
356 removal service licensed under chapter 497 for the removal,  
357 storage, and transportation ~~any person delivering the bodies as~~  
358 ~~described in this chapter~~ to the anatomical board of unclaimed  
359 human remains. ~~and is further empowered to~~

360 (d) Enter into contracts and perform such other acts ~~as are~~



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361 necessary for ~~to~~ the proper performance of its duties.†

362 (2) The anatomical board shall keep a complete record of  
363 all fees and other financial transactions. The University of  
364 Florida shall conduct an audit of the financial records of the  
365 anatomical board at least once every 3 years or more frequently  
366 as the university deems necessary. Within 90 days after  
367 completing an audit, the university shall provide a copy of the  
368 audit to the Department of Financial Services. The university  
369 may contract with a licensed public accounting firm to provide  
370 for the audit, which firm may be paid from the fees collected by  
371 the ~~of said anatomical board shall be kept and audited annually~~  
372 ~~by the Department of Financial Services, and a report of such~~  
373 ~~audit shall be made annually to the University of Florida.~~

374 Section 14. Section 406.59, Florida Statutes, is amended to  
375 read:

376 406.59 Institutions receiving human remains ~~bodies~~. ~~A No~~  
377 ~~university, school, college, teaching hospital, or institution~~  
378 ~~may not, or association shall be allowed or permitted to receive~~  
379 ~~any human remains from the anatomical board such body or bodies~~  
380 ~~as described in this chapter until its facilities are have been~~  
381 ~~inspected and approved by the anatomical board. Human remains~~  
382 ~~All such bodies received by such university, school, college,~~  
383 ~~teaching hospital, or institution may not, or association shall~~  
384 ~~be used for any no other purpose other than the promotion of~~  
385 ~~medical education or research science.~~

386 Section 15. Section 406.60, Florida Statutes, is amended to  
387 read:

388 406.60 Disposition of human remains ~~bodies~~ after use. ~~At~~  
389 ~~any time~~ When human remains ~~any body or bodies or part or parts~~



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390 ~~of any body or bodies, as described in this chapter, shall have~~  
391 ~~been used for, and are not deemed of any no further value to,~~  
392 ~~medical or dental education or research science, then the~~  
393 ~~anatomical board or a cinerator facility licensed under chapter~~  
394 ~~497 person or persons having charge of said body or parts of~~  
395 ~~said body may dispose of the remains or any part thereof by~~  
396 ~~cremation.~~

397 Section 16. Section 406.61, Florida Statutes, is amended to  
398 read:

399 406.61 Selling, buying, or conveying human remains ~~bodies~~  
400 outside state prohibited; exceptions; ~~r~~ penalty.-

401 (1) (a) The anatomical board may transport human remains  
402 outside the state for educational or scientific purposes. Any  
403 ~~person who sells or buys any body or parts of bodies as~~  
404 ~~described in this chapter or any person except a recognized~~  
405 ~~Florida medical or dental school who transmits or conveys or~~  
406 ~~causes to be transmitted or conveyed such body or parts of~~  
407 ~~bodies to any place outside this state commits a misdemeanor of~~  
408 ~~the first degree, punishable as provided in ss. 775.082 and~~  
409 ~~775.083. However, This chapter does not prohibit the transport~~  
410 of anatomical board from transporting human remains, any part of  
411 such remains specimens outside the state for educational or  
412 ~~scientific purposes or prohibit the transport of bodies, parts~~  
413 ~~of bodies, or tissue specimens in furtherance of lawful~~  
414 ~~examination, investigation, or autopsy conducted pursuant to s.~~  
415 ~~406.11.~~

416 (b) A Any person, institution, or organization that conveys  
417 human remains ~~bodies~~ or any part thereof ~~parts of bodies~~ into or  
418 outside ~~out of~~ the state for medical or dental education or



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419 research purposes must ~~shall~~ notify the anatomical board of such  
420 intent and receive approval from the board.

421 (c) Notwithstanding paragraph (b), a nontransplant  
422 anatomical donation organization accredited by the American  
423 Association of Tissue Banks may convey human remains or any part  
424 thereof into or outside the state for medical or dental  
425 education or research purposes without notifying or receiving  
426 approval from the anatomical board. Effective October 1, 2014, a  
427 nontransplant anatomical donation organization must be  
428 accredited by the American Association of Tissue Banks.

429 (d) A person who sells or buys human remains or any part  
430 thereof, or a person who transmits or conveys or causes to be  
431 transmitted or conveyed such remains or part thereof to any  
432 place outside this state, in violation of this section commits a  
433 misdemeanor of the first degree, punishable as provided in s.  
434 775.082 or s. 775.083. This paragraph does not apply to a  
435 recognized Florida medical or dental school.

436 (2) (a) Human remains received in this state by the  
437 anatomical board or a nontransplant anatomical donation  
438 organization must be accompanied by the original burial-transit  
439 permit issued pursuant to s. 382.007. The remains may not be  
440 dissected, segmented, or disarticulated until the district  
441 medical examiner of the county in which the death occurred or  
442 the remains were found grants approval pursuant to s. 406.11.

443 (b) A nontransplant anatomical donation organization must  
444 obtain specific written consent for the dissection,  
445 segmentation, or disarticulation of any part of the remains from  
446 a person who is authorized under s. 765.512 to give such  
447 consent. Such consent must expressly state that the remains may





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448 undergo long-term preservation or extensive preparation,  
449 including, but not limited to, removal of the head, arms, legs,  
450 hands, feet, spine, organs, tissues, or fluids.

451 (3) A person, institution, or organization may not offer in  
452 exchange for human remains any monetary inducement or other  
453 valuable consideration, including goods or services, to a donor,  
454 a legally authorized person, the donor's estate, or any other  
455 third party. As used in this subsection, the term "valuable  
456 consideration" does not include, and this subsection does not  
457 prohibit, payment or reimbursement of the reasonable costs  
458 associated with the removal, storage, and transportation of  
459 human remains, including payment or reimbursement of a funeral  
460 establishment or removal service licensed under chapter 497 or  
461 the reasonable costs after use, including payment or  
462 reimbursement for the disposition of human remains pursuant to  
463 s. 406.60.

464 (4)(2) An Any entity accredited by the American Association  
465 of Museums may convey plastinated human remains bodies or any  
466 part thereof within, parts of bodies into, or outside out of the  
467 state for exhibition and public educational purposes without the  
468 consent of the anatomical board if the accredited entity:

469 (a) Notifies the anatomical board of the conveyance and the  
470 duration and location of the exhibition at least 30 days before  
471 the intended conveyance.

472 (b) Submits to the anatomical board a description of the  
473 remains bodies or any part thereof parts of bodies and the name  
474 and address of the company providing the remains bodies or any  
475 part thereof parts of bodies.

476 (c) Submits to the anatomical board documentation that the



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477 remains or each part thereof ~~body~~ was donated by the decedent or  
478 his or her next of kin for purposes of plastination and public  
479 exhibition, or, in lieu of such documentation, an affidavit  
480 stating that the remains or each part thereof ~~body~~ was donated  
481 directly by the decedent or his or her next of kin for such  
482 purposes to the company providing the remains ~~body~~ and that such  
483 company has a donation form on file for the remains ~~body~~.

484 ~~(3) Notwithstanding paragraph (2) (c) and in lieu of the~~  
485 ~~documentation or affidavit required under paragraph (2) (c), for~~  
486 ~~a plastinated body that, before July 1, 2009, was exhibited in~~  
487 ~~this state by any entity accredited by the American Association~~  
488 ~~of Museums, such an accredited entity may submit an affidavit to~~  
489 ~~the board stating that the body was legally acquired and that~~  
490 ~~the company providing the body has acquisition documentation on~~  
491 ~~file for the body. This subsection expires January 1, 2012.~~

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

494 497.005 Definitions.—As used in this chapter, the term:

495 (32) "Final disposition" means the final disposal of a dead  
496 human body by earth interment, aboveground interment, cremation,  
497 burial at sea, anatomical donation, or delivery to a medical  
498 institution for lawful dissection if the medical institution or  
499 entity receiving the anatomical donation assumes responsibility  
500 for disposition after use pursuant to s. 406.60 ~~disposal~~. The  
501 term "Final disposition" does not include the disposal or  
502 distribution of cremated remains and residue of cremated  
503 remains.

504 Section 18. Section 497.382, Florida Statutes, is amended  
505 to read:



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506 497.382 Reports of cases embalmed and bodies handled.—

507 (1) Each funeral establishment, direct disposal  
508 establishment, cinerator facility, and centralized embalming  
509 facility shall record monthly ~~report~~ on a form prescribed and  
510 furnished by the licensing authority the name of the deceased  
511 and such other information as may be required by rule with  
512 respect to each dead human body embalmed or otherwise handled by  
513 the establishment or facility. Such forms shall be signed  
514 monthly by the embalmer who performs the embalming, if the body  
515 is embalmed, and the funeral director in charge of the  
516 establishment or facility or by the direct disposer who disposes  
517 of the body and shall be maintained at the business premises of  
518 the establishment or facility for inspection by division staff.  
519 The licensing authority shall prescribe by rule the procedures  
520 for preparing and retaining ~~in submitting~~ such forms  
521 ~~documentation. Reports required by this subsection shall be~~  
522 ~~filed by the 20th day of each month for final dispositions~~  
523 ~~handled the preceding month.~~

524 (2) Funeral directors performing disinterments shall record  
525 monthly on the form specified in subsection (1) and pursuant to  
526 ~~report, using a form and procedures~~ prescribed ~~specified~~ by  
527 rule, the name of the deceased and such other information as may  
528 be required by rule with respect to each dead human body  
529 disinterred.

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

532 497.607 Cremation; procedure required.—

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



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535 days from the time of cremation the cremated remains have not  
536 been claimed, the funeral or direct disposal establishment may  
537 dispose of the cremated remains. Such disposal shall include  
538 scattering them at sea or placing them in a licensed cemetery  
539 scattering garden or pond or in a church columbarium or  
540 otherwise disposing of the remains as provided by rule.

541 (b) A reasonable effort shall be made before such disposal  
542 to determine whether the cremated remains are those of a veteran  
543 of the United States Armed Forces, United States Reserve Forces,  
544 or National Guard eligible for burial in a national cemetery or  
545 a spouse or dependent child of a veteran eligible for burial in  
546 a national cemetery.

547 (c) If the unclaimed cremated remains are those of an  
548 eligible veteran or the spouse or dependent child of an eligible  
549 veteran, the funeral or direct disposal establishment shall  
550 arrange for the interment of the cremated remains in a national  
551 cemetery. A funeral or direct disposal establishment may use the  
552 assistance of a veterans' service organization for this purpose.  
553 A funeral or direct disposal establishment or veterans' service  
554 organization acting in good faith is not liable for any damages  
555 resulting from the release of required information to determine  
556 eligibility for interment.

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

559 1. Determine whether the cremated remains are those of a  
560 veteran if the funeral or direct disposal establishment is  
561 informed by a legally authorized person that the decedent was  
562 not a veteran.

563 2. Relinquish possession of the cremated remains to a



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564 veterans' service organization if the funeral or direct disposal  
565 establishment is informed by a legally authorized person that  
566 the decedent did not desire any funeral, ceremony, or interment-  
567 related services recognizing the decedent's service as a  
568 veteran.

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

570 1. "Reasonable effort" includes contacting the National  
571 Cemetery Scheduling Office, the county veterans service office,  
572 the regional office of the United States Department of Veterans  
573 Affairs, or a veterans' service organization.

574 2. "Veterans' service organization" means an association,  
575 corporation, or other entity that qualifies under s. 501(c)(3)  
576 or s. 501(c)(19) of the Internal Revenue Code as a tax-exempt  
577 organization, that is organized for the benefit of veterans'  
578 burial and interment, and that is recognized by the Memorial  
579 Affairs Division of the United States Department of Veterans  
580 Affairs. The term includes a member or employee of an eligible  
581 nonprofit veterans' corporation, association, or entity that  
582 specifically assists in facilitating the identification,  
583 recovery, and interment of the unclaimed cremated remains of  
584 veterans.

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

587 765.513 Donees; purposes for which anatomical gifts may be  
588 made.—

589 (1) The following persons or entities may become donees of  
590 anatomical gifts of bodies or parts of them for the purposes  
591 stated:

592 (a) Any procurement organization or accredited medical or



593 dental school, college, or university for education, research,  
594 therapy, or transplantation.

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

597 (c) The anatomical board or a nontransplant anatomical  
598 donation organization, as defined in s. 406.49, for donation of  
599 the whole body for medical or dental education or research.

600 Section 21. Section 406.54, Florida Statutes, is repealed.

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

602

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

604 And the title is amended as follows:

605 Delete everything before the enacting clause  
606 and insert:

607 A bill to be entitled

608 An act relating to disposition of human remains;  
609 amending s. 382.002, F.S.; revising definitions for  
610 purposes of the Florida Vital Statistics Act; amending  
611 s. 382.006, F.S.; authorizing the Department of Health  
612 to issue burial-transit permits; amending s. 382.008,  
613 F.S.; revising procedures for the registration of  
614 certificates of death or fetal death and the medical  
615 certification of causes of death; providing a  
616 definition; amending s. 382.011, F.S.; extending the  
617 time by which certain deaths must be referred to the  
618 medical examiner for investigation; creating s.  
619 406.49, F.S.; providing definitions; amending s.  
620 406.50, F.S.; revising procedures for the reporting  
621 and disposition of unclaimed remains; prohibiting



622 certain uses or dispositions of the remains of  
623 deceased persons whose identities are not known;  
624 limiting the liability of licensed funeral directors  
625 who authorize the embalming of unclaimed remains under  
626 certain circumstances; amending s. 406.51, F.S.;

627 requiring that local governmental contracts for the  
628 final disposition of unclaimed remains comply with  
629 certain federal regulations; amending s. 406.52, F.S.;

630 revising procedures for the anatomical board's  
631 retention of human remains before their use; providing  
632 for claims by, and the release of human remains to,  
633 legally authorized persons after payment of certain  
634 expenses; authorizing county ordinances or resolutions  
635 for the final disposition of the unclaimed remains of  
636 indigent persons; limiting the liability of certain  
637 licensed persons for cremating or burying human  
638 remains under certain circumstances; amending s.  
639 406.53, F.S.; revising exceptions from requirements  
640 for notice to the anatomical board of the death of  
641 indigent persons; deleting a requirement that the  
642 Department of Health assess fees for the burial of  
643 certain bodies; amending ss. 406.55, 406.56, and  
644 406.57, F.S.; conforming provisions; amending s.  
645 406.58, F.S.; requiring audits of the financial  
646 records of the anatomical board; conforming  
647 provisions; amending s. 406.59, F.S.; conforming  
648 provisions; amending s. 406.60, F.S.; authorizing  
649 certain facilities to dispose of human remains by  
650 cremation; amending s. 406.61, F.S.; revising



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651 provisions prohibiting the selling or buying of human  
652 remains or the transmitting or conveying of such  
653 remains outside the state; providing penalties;  
654 excepting accredited nontransplant anatomical donation  
655 organizations from requirements for the notification  
656 of and approval from the anatomical board for the  
657 conveyance of human remains for specified purposes;  
658 requiring that nontransplant anatomical donation  
659 organizations be accredited by a certain date;  
660 requiring that human remains received by the  
661 anatomical board be accompanied by a burial-transit  
662 permit; requiring approval by the medical examiner and  
663 consent of certain persons before the dissection,  
664 segmentation, or disarticulation of such remains;  
665 prohibiting the offer of any monetary inducement or  
666 other valuable consideration in exchange for human  
667 remains; providing a definition; deleting an expired  
668 provision; conforming provisions; amending s. 497.005,  
669 F.S.; revising a definition for purposes of the  
670 Florida Funeral, Cemetery, and Consumer Services Act;  
671 amending s. 497.382, F.S.; revising certain reporting  
672 requirements for funeral establishments, direct  
673 disposal establishments, cinerator facilities, and  
674 centralized embalming facilities; amending s. 497.607,  
675 F.S.; providing requirements for the disposal of  
676 unclaimed cremated remains by funeral or direct  
677 disposal establishments; limiting the liability of  
678 funeral or direct disposal establishments and  
679 veterans' service organizations related to the release





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680 of information required to determine the eligibility  
681 for interment in a national cemetery of the unclaimed  
682 cremated remains of a veteran; providing definitions;  
683 amending s. 765.513, F.S.; revising the list of donees  
684 who may accept anatomical gifts and the purposes for  
685 which such a gift may be used; repealing s. 406.54,  
686 F.S., relating to claims of bodies after delivery to  
687 the anatomical board; providing an effective date.