

By the Committee on Regulated Industries; and Senator Sachs

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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

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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;

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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:

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

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

102 382.006 Burial-transit permit.—

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

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

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

116 Section 3. Paragraph (a) of subsection (2) and subsections

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117 (3), (4), and (5) of section 382.008, Florida Statutes, are
118 amended to read:

119 382.008 Death and fetal death registration.—

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

136 (3) Within 72 hours after receipt of a death or fetal death
137 certificate from the funeral director, the medical certification
138 of cause of death shall be completed and made available to the
139 funeral director by the decedent's primary or attending
140 ~~physician in charge of the decedent's care for the illness or~~
141 ~~condition which resulted in death, the physician in attendance~~
142 ~~at the time of death or fetal death or immediately before or~~
143 ~~after such death or fetal death,~~ or, if s. 382.011 applies, the
144 district medical examiner of the county in which the death
145 occurred or the body was found ~~if the provisions of s. 382.011~~

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146 ~~apply.~~ The primary or attending physician or medical examiner
147 shall certify over his or her signature the cause of death to
148 the best of his or her knowledge and belief. As used in this
149 section, the term "primary or attending physician" means a
150 physician who treated the decedent through examination, medical
151 advice, or medication during the 12 months preceding the date of
152 death.

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

156 1. An autopsy is pending.

157 2. Toxicology, laboratory, or other diagnostic reports have
158 not been completed.

159 3. The identity of the decedent is unknown and further
160 investigation or identification is required.

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

170 (4) If the department or local registrar grants ~~has granted~~
171 an extension of time to provide the medical certification of
172 cause of death, the funeral director shall file a temporary
173 certificate of death or fetal death which shall contain all
174 available information, including the fact that the cause of

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175 death is pending. The decedent's primary or attending physician
176 or the district medical examiner of the county in which the
177 death occurred or the body was found shall provide an estimated
178 date for completion of the permanent certificate.

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

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

190 382.011 Medical examiner determination of cause of death.—

191 (1) In the case of any death or fetal death due to causes
192 or conditions listed in s. 406.11, any ~~or where the~~ death that
193 occurred more than 12 months ~~30 days~~ after the decedent was last
194 treated by a primary or attending physician as defined in s.
195 382.008(3) unless the death was medically expected as certified
196 by an attending physician, or any death for which ~~where~~ there is
197 reason to believe that the death may have been due to an
198 unlawful act or neglect, the funeral director or other person to
199 whose attention the death may come shall refer the case to the
200 district medical examiner of the county ~~district~~ in which the
201 death occurred or the body was found for investigation and
202 determination of the cause of death.

203 Section 5. Section 406.49, Florida Statutes, is created in

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204 part II of chapter 406, Florida Statutes, to read:

205 406.49 Definitions.—As used in this part, the term:

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

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

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

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

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

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

221 (7) "Nontransplant anatomical donation organization" means
222 a tissue bank or other organization that facilitates
223 nontransplant anatomical donation, including referral, obtaining
224 informed consent or authorization, acquisition, traceability,
225 transport, assessing donor acceptability, preparation,
226 packaging, labeling, storage, release, evaluating intended use,
227 distribution, and final disposition of nontransplant anatomical
228 donations.

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

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

235 406.50 Unclaimed ~~dead bodies or human~~ remains; disposition,
236 procedure.-

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

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

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

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

251 ~~Notification of the anatomical board is not required if the~~
252 ~~death was caused by crushing injury, the deceased had a~~
253 ~~contagious disease;~~

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

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

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262 national cemetery.

263 (2)(1) Before the final disposition of unclaimed remains,
264 the person or entity in charge or control of the ~~dead body or~~
265 ~~human~~ remains shall make a reasonable effort to ~~determine:~~

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

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

276

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

281 (3)(2) Unclaimed remains ~~Such dead human bodies as~~
282 ~~described in this chapter~~ shall be delivered to the anatomical
283 board as soon as possible after death. When no family exists or
284 is available, a funeral director licensed under chapter 497 may
285 assume the responsibility of a legally authorized person and
286 may, after 24 hours have elapsed since the time of death,
287 authorize arterial embalming for the purposes of storage and
288 delivery of unclaimed remains to the anatomical board. A funeral
289 director licensed under chapter 497 is not liable for damages
290 under this subsection.

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

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

302 (6)~~(3)~~ This part does not ~~Nothing herein shall~~ affect the
303 right of a medical examiner to hold human ~~such dead body or~~
304 remains for the purpose of investigating the cause of death ~~or~~
305 ~~nor shall this chapter affect~~ the right of any court of
306 competent jurisdiction to enter an order affecting the
307 disposition of such ~~body or~~ remains.

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

311
312 ~~For purposes of this chapter, the term "anatomical board" means~~
313 ~~the anatomical board of this state located at the University of~~
314 ~~Florida Health Science Center, and the term "unclaimed" means a~~
315 ~~dead body or human remains that is not claimed by a legally~~
316 ~~authorized person, as defined in s. 497.005, for interment at~~
317 ~~that person's expense.~~

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

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320 406.51 Final disposition of unclaimed deceased veterans;
321 contract requirements.—Any contract by a local governmental
322 entity for the final disposition ~~disposal~~ of unclaimed ~~human~~
323 remains must provide for compliance with s. 406.50(2) ~~406.50(1)~~
324 and require that the procedures in 38 C.F.R. s. 38.620, relating
325 to disposition of unclaimed deceased veterans, are ~~be~~ followed.

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

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

330 406.52 Retention of human remains before use; claim after
331 delivery to anatomical board; procedures for unclaimed remains
332 of indigent persons.—

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

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

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

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349 occurred, or whose remains were found, in the county.

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

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

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

358 406.53 Unclaimed remains of indigent person; exemption from
359 notice to the anatomical board.—A board of county commissioners
360 or its designated county department that receives a report of
361 the unclaimed remains of an indigent person, notwithstanding s.
362 406.50(1), is not required to notify the anatomical board of the
363 remains if:

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

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

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

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378 national cemetery; or

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

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

384 406.55 Contracts for delivery of human remains ~~body~~ after
385 death prohibited.—The anatomical board may not enter is
386 ~~specifically prohibited from entering~~ into any contract, oral or
387 written, that provides for ~~whereby~~ any sum of money to ~~shall~~ be
388 paid to any living person in exchange for ~~which~~ the delivery of
389 that person's remains ~~body of said person shall be delivered to~~
390 the anatomical board when the ~~such living~~ person dies.

391 Section 11. Section 406.56, Florida Statutes, is amended to
392 read:

393 406.56 Acceptance of human remains ~~bodies~~ under will.—If
394 any person ~~being~~ of sound mind executes ~~shall execute~~ a will
395 leaving his or her remains ~~body~~ to the anatomical board for ~~the~~
396 ~~advancement of~~ medical education or research ~~science~~ and the
397 ~~such~~ person dies within the geographical limits of the state,
398 the anatomical board may ~~is hereby empowered to~~ accept and
399 receive the person's remains ~~such body~~.

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

402 406.57 Distribution of human remains ~~dead bodies~~.—The
403 anatomical board or its duly authorized agent shall take and
404 receive human remains ~~the bodies~~ delivered to it as provided in
405 ~~under the provisions of~~ this chapter and shall:

406 (1) Distribute the remains ~~them~~ equitably ~~to and~~ among the

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407 medical and dental schools, teaching hospitals, medical
408 institutions, and health-related teaching programs that require
409 cadaveric material for study; or

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

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

417 406.58 Fees; authority to accept additional funds; annual
418 audit.—

419 (1) The anatomical board may:

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

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

434 (c) Pay or reimburse the reasonable expenses, as determined
435 by the anatomical board, incurred by a funeral establishment or

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436 removal service licensed under chapter 497 for the removal,
 437 storage, and transportation ~~any person delivering the bodies as~~
 438 ~~described in this chapter~~ to the anatomical board of unclaimed
 439 human remains. ~~and is further empowered to~~

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

442 (2) The anatomical board shall keep a complete record of
 443 all fees and other financial transactions. The University of
 444 Florida shall conduct an audit of the financial records of the
 445 anatomical board at least once every 3 years or more frequently
 446 as the university deems necessary. Within 90 days after
 447 completing an audit, the university shall provide a copy of the
 448 audit to the Department of Financial Services. The university
 449 may contract with a licensed public accounting firm to provide
 450 for the audit, which firm may be paid from the fees collected by
 451 ~~the~~ ~~of~~ ~~said~~ ~~anatomical board shall be kept and audited annually~~
 452 ~~by the Department of Financial Services, and a report of such~~
 453 ~~audit shall be made annually to the University of Florida.~~

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

456 406.59 Institutions receiving human remains ~~bodies.~~ ~~A~~ ~~No~~
 457 ~~university, school, college, teaching hospital, or institution~~
 458 ~~may not, or association shall be allowed or permitted to receive~~
 459 ~~any human remains from the anatomical board such body or bodies~~
 460 ~~as described in this chapter~~ until its facilities are ~~have been~~
 461 ~~inspected and approved by the anatomical board.~~ Human remains
 462 ~~All such bodies~~ received by such university, school, college,
 463 ~~teaching hospital, or institution may not, or association shall~~
 464 ~~be used for~~ any ~~no other~~ purpose other ~~than the promotion of~~

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465 medical education or research science.

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

468 406.60 Disposition of human remains ~~bodies~~ after use. ~~At~~
469 ~~any time~~ When human remains ~~any body or bodies or part or parts~~
470 ~~of any body or bodies, as described in this chapter,~~ shall have
471 been used for, and are not deemed of any ~~no~~ further value to,
472 medical or dental education or research science, ~~then~~ the
473 anatomical board or a cinerator facility licensed under chapter
474 497 person or persons having charge of said body or parts of
475 ~~said body~~ may dispose of the remains or any part thereof by
476 cremation.

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

479 406.61 Selling, buying, or conveying human remains ~~bodies~~
480 outside state prohibited; exceptions; ~~7~~ penalty.-

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

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494 examination, investigation, or autopsy conducted pursuant to s.
495 406.11.

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

501 (c) Notwithstanding paragraph (b), a nontransplant
502 anatomical donation organization accredited by the American
503 Association of Tissue Banks may convey human remains or any part
504 thereof into or outside the state for medical or dental
505 education or research purposes without notifying or receiving
506 approval from the anatomical board. Effective October 1, 2014, a
507 nontransplant anatomical donation organization must be
508 accredited by the American Association of Tissue Banks.

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

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

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

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

544 (4) ~~(2)~~ An ~~Any~~ entity accredited by the American Association
545 of Museums may convey plastinated human remains ~~bodies~~ or any
546 part thereof within, ~~parts of bodies~~ into, or outside ~~out~~ of the
547 state for exhibition and public educational purposes without the
548 consent of the anatomical board if the accredited entity:

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

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

556 (c) Submits to the anatomical board documentation that the
557 remains or each part thereof ~~body~~ was donated by the decedent or
558 his or her next of kin for purposes of plastination and public
559 exhibition, or, in lieu of such documentation, an affidavit
560 stating that the remains or each part thereof ~~body~~ was donated
561 directly by the decedent or his or her next of kin for such
562 purposes to the company providing the remains ~~body~~ and that such
563 company has a donation form on file for the remains ~~body~~.

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

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

574 497.005 Definitions.—As used in this chapter, the term:

575 (32) "Final disposition" means the final disposal of a dead
576 human body by earth interment, aboveground interment, cremation,
577 burial at sea, anatomical donation, or delivery to a medical
578 institution for lawful dissection if the medical institution or
579 entity receiving the anatomical donation assumes responsibility
580 for disposition after use pursuant to s. 406.60 ~~disposal~~. The

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581 ~~term "Final disposition"~~ does not include the disposal or
582 distribution of cremated remains and residue of cremated
583 remains.

584 Section 18. Section 497.382, Florida Statutes, is amended
585 to read:

586 497.382 Reports of cases embalmed and bodies handled.—

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

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

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

612 497.607 Cremation; procedure required.—

613 (2) (a) With respect to any person who intends to provide
614 for the cremation of the deceased, if, after a period of 120
615 days from the time of cremation the cremated remains have not
616 been claimed, the funeral or direct disposal establishment may
617 dispose of the cremated remains. Such disposal shall include
618 scattering them at sea or placing them in a licensed cemetery
619 scattering garden or pond or in a church columbarium or
620 otherwise disposing of the remains as provided by rule.

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

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

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

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

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

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

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

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

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

667 765.513 Donees; purposes for which anatomical gifts may be

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668 made.—

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

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

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

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

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

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