

By Senator Stewart

17-00249-24

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1 A bill to be entitled
2 An act relating to the sale of a deceased human body's
3 biometric data; amending s. 497.005, F.S.; defining
4 the term "biometric data"; amending s. 497.152, F.S.;
5 providing disciplinary grounds for the sale of a
6 deceased human body's biometric data under certain
7 circumstances; providing disciplinary grounds for a
8 funeral establishment that fails to provide a legally
9 authorized person with specified disclosures regarding
10 the sale of a deceased human body's biometric data or
11 fails to provide a legally authorized person with the
12 option to opt out of such a sale; amending ss. 497.607
13 and 872.02, F.S.; conforming cross-references;
14 providing an effective date.

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16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. Present subsections (6) through (79) of section
19 497.005, Florida Statutes, are redesignated as subsections (7)
20 through (80), respectively, and a new subsection (6) is added to
21 that section, to read:

22 497.005 Definitions.—As used in this chapter, the term:
23 (6) "Biometric data" means data generated by measurements
24 of an individual's biological characteristics. The term includes
25 fingerprints, voiceprints, eye retinas or irises, or other
26 unique biological patterns or characteristics used to identify a
27 specific individual.

28 Section 2. Paragraph (j) is added to subsection (11) and
29 paragraphs (h) and (i) are added to subsection (12) of section

17-00249-24

2024504__

30 497.152, Florida Statutes, to read:

31 497.152 Disciplinary grounds.—This section sets forth
32 conduct that is prohibited and that shall constitute grounds for
33 denial of any application, imposition of discipline, or other
34 enforcement action against the licensee or other person
35 committing such conduct. For purposes of this section, the
36 requirements of this chapter include the requirements of rules
37 adopted under authority of this chapter. No subsection heading
38 in this section shall be interpreted as limiting the
39 applicability of any paragraph within the subsection.

40 (11) SPECIFIC SALES PRACTICES.—

41 (j) Selling the biometric data of a deceased human body if
42 a legally authorized person has opted out of such a sale.

43 (12) DISCLOSURE REQUIREMENTS.—

44 (h) Failing to provide a legally authorized person with a
45 written disclosure of the funeral establishment's policies
46 regarding a deceased human body's biometric data, including a
47 description of any biometric data that the establishment
48 collects from a deceased human body, the purpose of the data
49 collection, and whether the establishment sells or intends to
50 sell biometric data to a third party.

51 (i) If a funeral establishment sells the biometric data of
52 a deceased human body, failing to provide a legally authorized
53 person the option to opt out of such a sale.

54 Section 3. Subsection (2) of section 497.607, Florida
55 Statutes, is amended to read:

56 497.607 Cremation; procedure required.—

57 (2) Cremated remains are not property, as defined in s.
58 731.201(32), and are not subject to partition for purposes of

17-00249-24

2024504__

59 distribution under s. 733.814. A division of cremated remains
60 requires the consent of the legally authorized person who
61 approved the cremation or, if the legally authorized person is
62 the decedent, the next legally authorized person as defined in
63 s. 497.005 ~~pursuant to s. 497.005(43)~~. A dispute regarding the
64 division of cremated remains shall be resolved by a court of
65 competent jurisdiction.

66 Section 4. Subsection (6) of section 872.02, Florida
67 Statutes, is amended to read:

68 872.02 Injuring or removing tomb or monument; disturbing
69 contents of grave or tomb; penalties.—

70 (6) Notwithstanding subsections (1) and (2), an owner,
71 officer, employee, or agent of a cemetery exempt from regulation
72 pursuant to s. 497.260 may relocate the contents of a grave or
73 tomb:

74 (a) After receiving a written authorization from a legally
75 authorized person as defined in s. 497.005 ~~s. 497.005(43)~~; or

76 (b) After public notice is posted as required in this
77 paragraph, if a legally authorized person cannot be located
78 after conducting a reasonable search or after 75 years or more
79 have elapsed since the date of entombment, interment, or
80 inurnment. The public notice must be published once a week for 4
81 consecutive weeks in a newspaper of general circulation in the
82 county where the cemetery is located. The public notice must
83 contain the name of the cemetery; the name, address, and
84 telephone number of the cemetery representative with whom
85 objections may be filed; the reason for relocation of the
86 contents of the graves or tombs; the names of the human remains
87 to be relocated; the approximate date of the initial entombment,

17-00249-24

2024504__

88 interment, or inurnment; the proposed site of relocation; and
89 the proposed date of relocation. The proposed date of relocation
90 may not be less than 30 days from last date of publication. If
91 no objection from a legally authorized person is received within
92 30 days from the last date of publication of the public notice,
93 the cemetery may proceed with relocation.

94 Section 5. This act shall take effect July 1, 2024.