

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 1868

SPONSOR: Senator Peaden and others

SUBJECT: Unclaimed Bodies

DATE: March 8, 2002

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cooper	Yeatman	CA	Favorable
2.	_____	_____	CJ	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

## I. Summary:

With respect to unclaimed bodies, this bill requires that a reasonable effort be made to determine if the deceased person is a veteran of the armed forces and, if so, that arrangements be made for proper burial services.

This bill amends s. 245.06 of the Florida Statutes.

## II. Present Situation:

Section 245.06, F.S., relates to disposition of unclaimed dead bodies. All public officers, agents or employees of every county, city, village, town or municipality and every person in charge of any prison, morgue, hospital, funeral parlor or mortuary and all other persons coming into possession, charge or control of any dead human body which is unclaimed or which is required to be buried or cremated at public expense must notify the anatomical board, whenever any such body or bodies come into its possession. The term "anatomical board" means the anatomical board of the state of Florida located at the University of Florida Health Science Center.

Notification of the anatomical board is not required if the death was caused by crushing injury, the deceased had a contagious disease, an autopsy was required to determine cause of death, the body was in a state of severe decomposition, or a family member objects to use of the body for medical education and research.

The person or entity in charge or control of the dead body must make a reasonable effort to determine the identity of the body and to contact any relatives of such a deceased person. Such dead human bodies must be delivered to the anatomical board as soon as possible after death. However, a medical examiner may hold a dead body for the purpose of investigating the cause of death. A court of competent jurisdiction may enter an order affecting the disposition of such body.

### III. Effect of Proposed Changes:

**Section 1** amends s. 245.06, F.S., to add 'human remains' to the unclaimed dead bodies disposition provision. A new subsection (b) is added to section 245.06(1), F.S., to provide the person or entity in charge or control of the dead body or human remains make a reasonable effort to determine whether or not the deceased person is entitled to burial in a national cemetery as a veteran of the armed forces and, if so, the funeral home must make arrangements for such burial services. A "reasonable effort" includes contacting the county veterans service office or regional office of the United States Department of Veterans Affairs.

**Section 2** provides an effective date of upon becoming law.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

Section 18(a), Art. VII of the State Constitution provides that no county or municipality is bound by any general law requiring the county or municipality to spend funds or to take an action requiring the expenditure of funds unless certain exemptions or exceptions apply.

However, laws of insignificant fiscal impact (\$1.6 million) are exempt from this provision. Because it is unlikely that the cumulative annual impact on counties and municipalities will exceed this threshold, the bill appears to be exempt from Article VII, Section 18 of the Florida Constitution.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

### V. Economic Impact and Fiscal Note:

#### A. Tax/Fee Issues:

None.

#### B. Private Sector Impact:

Private entities responsible for disposing of unclaimed dead bodies or human remains must make a reasonable effort to determine whether or not the deceased person is entitled to burial in a national cemetery as a veteran of the armed forces and, if so, make arrangements for such burial services.

**C. Government Sector Impact:**

Government entities responsible for disposing of unclaimed dead bodies or human remains must make a reasonable effort to determine whether or not the deceased person is entitled to burial in a national cemetery as a veteran of the armed forces and, if so, make arrangements for such burial services.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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